

PENNSYLVANIA ARCHIVES.

Fourth Series.

PAPERS OF THE GOVERNORS.



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The constitution of the

We the people of the common-
wealth of Pennsylvania, do hereby
establish this Constitution, to govern
ourselves.

Section 1. The executive power shall be vested in a Governor, who shall hold office for four years, and shall be eligible for re-election.

Section 2. The legislative power shall be vested in a Senate and a House of Representatives. The Senate shall consist of twenty-four members, and the House of Representatives shall consist of thirty-six members.

Section 3. The judicial power shall be vested in a Supreme Court, and in such inferior courts as may be established by the Legislature.

Section 4. The Governor shall have the honor and privilege of the sword, and shall be elected by the people for four years, and shall be eligible for re-election.

Section 5. The Senate shall be elected by the people for four years, and shall be eligible for re-election.

Section 6. The House of Representatives shall be elected by the people for two years, and shall be eligible for re-election.

Section 7. The Governor shall have the power to pardon and reprieve, and to grant commutations of punishment.

Section 8. The Governor shall have the power to declare war, and to raise and regulate the Militia.

Section 9. The Governor shall have the power to appoint and remove judges, and other officers of the law.

Section 10. The Governor shall have the power to grant reprieves, and to pardon and commute the punishment of criminals.

Section 11. The Governor shall have the power to grant reprieves, and to pardon and commute the punishment of criminals.

Section 12. The Governor shall have the power to grant reprieves, and to pardon and commute the punishment of criminals.

Section 13. The Governor shall have the power to grant reprieves, and to pardon and commute the punishment of criminals.

Section 14. The Governor shall have the power to grant reprieves, and to pardon and commute the punishment of criminals.

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Section 19. The Governor shall have the power to grant reprieves, and to pardon and commute the punishment of criminals.

Section 20. The Governor shall have the power to grant reprieves, and to pardon and commute the punishment of criminals.

Section 21. The Governor shall have the power to grant reprieves, and to pardon and commute the punishment of criminals.

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The majority of the
population is of the same age.

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being one in the Republic of Italy.

[illegible]

Art. 12. In any correspondence, relative to the General of
 Orders and in case of disagreement between the two Orders with respect to
 the time of adjournment, refer them to such time as in which both parties
 shall agree. In a dispute.

[illegible][illegible]

1866

Section 1. Inclusions to the Citizens were members of the order
during our years, having resided on the State two years and four months
and were not aware that any person in that County was admitted to membership
without at least an affidavit from the previous owner of the prop-
erty. Provided that the sons of a former member be admitted, and
other things of merely an honorary nature were admitted to membership
and that should not have been so.

Section 2. All actions shall be by Board, except the 3 persons
in their representative capacities, who are, are and are.

March 13. Letter about the case, not done. I say and
much is said of the place, & quarrelled from about among these others.
This one, however, was a friend to me, & I am, I am, I am, I am.

The Court in the case of *Ex parte* *Smith* shall have the full power
of appointing

Article 1. I, said notary, do hereby certify that the said [Name], being sitting that purpose, in view of said notary, read in explanation the terms and conditions of the said contract of purchase and sale of the said [Name] to the said [Name].

It shall be the duty of the said court to receive and examine all petitions for relief, and to grant such relief as may be just and equitable, and to make such orders as may be necessary for the execution of the same. And the said court shall have power to make such orders as may be necessary for the execution of the same. And the said court shall have power to make such orders as may be necessary for the execution of the same.

March 2

collected in the lower part of the Devonian, the latter is
more than 100 feet thick and contains a great number of fossils, a large
number of which are new. It is also a great source of iron ore.

[Faint, mostly illegible handwritten text covering the majority of the page. The script appears to be cursive and is heavily faded.]

[A small, faint handwritten note or signature at the bottom right of the main text block.]

ION OF 1790.

Simile.

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PENNSYLVANIA ARCHIVES

Fourth Series

EDITED BY

GEORGE EDWARD REED, LL.D.

UNDER THE DIRECTION OF

. HON. W. W. GRIEST

SECRETARY OF THE COMMONWEALTH.

VOLUME IV.

PAPERS OF THE GOVERNORS.

1785-1817.



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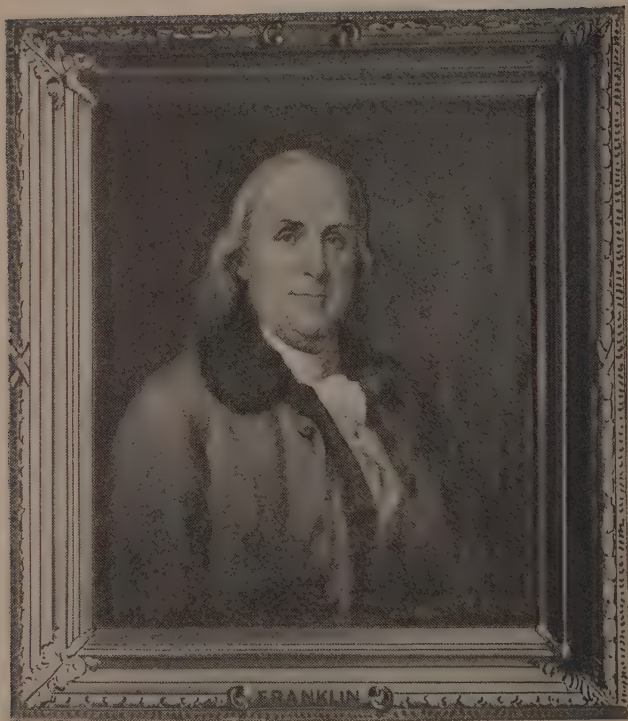


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ILLUSTRATIONS.

THE CONSTITUTION OF 1790. Reduced Fac Simile.	
Four Sheets,	<i>Frontispiece.</i>
BENJAMIN FRANKLIN,.....	<i>Facing page 1</i>
THOMAS MIFFLIN,	<i>Facing page 61</i>
THOMAS M'KEAN,	<i>Facing page 435</i>
SIMON SNYDER,	<i>Facing page 655</i>





Benj. Franklin

President of the Supreme Executive Council.

BENJAMIN FRANKLIN.
President of the Supreme
Executive Council,
1785-1788.



PENNSYLVANIA ARCHIVES

Fourth Series.

Chapter I.

BENJAMIN FRANKLIN.

President of the Supreme Executive Council.

1785-1788.

IF OPINIONS DIFFER AS TO WHETHER BENJAMIN Franklin was the greatest figure in the early history of the United States, there can be no question as to his position in the history of the Commonwealth of Pennsylvania. The story of his birth in Boston in 1706, his boyhood service in his father's soap and tallow factory, his later connection with his brother's newspaper work, his tramp to Philadelphia and his early struggles here,—has been told often and well. His printing establishment became the first in the colony and many beautiful specimens of typography bear witness to the skill and taste which he brought to the mechanical phase of his work. He made the Pennsylvania Gazette the most authoritative periodical of the province, and by the establishment of Poor Richard's Almanac gave himself a continental and international reputation. For the decade from

1736 to 1747 he was Clerk to the Assembly, and was as well the publisher of the Journal. As Postmaster General of the colonies, as commander of a force of volunteers against the French and their Indian allies, as a scientist of astonishing originality and perspicacity, and as a legislator active in the affairs of the Commonwealth, his many-sided character stands out in bold relief. Conspicuous in combatting the untenable attitude of the proprietaries with regard to paper currency and taxation, he was sent to England to fight them on their own ground, with an entirely successful result, and remained there seven years as the agent of Pennsylvania and several of the other provinces. After a period of twenty years mostly passed in the service of the colony abroad, he returned to America and was at once elected a member of the Continental Congress. He was a member of the committee which drew up the Declaration of Independence, of which he was one of the most famous signers. He was president of the Pennsylvania Constitutional Convention of 1776, but important duties again called him abroad, where he was successful in securing the alliance of France and ultimately in concluding a treaty of peace with Great Britain. Returning home at his own request, he was at once chosen President of the Council and kept in office for the constitutional period of three years. He laid the corner stone and contributed largely to what is now known as Franklin and Marshall College in Lancaster. He was a member of the United States Constitutional Convention of 1787, his work in which was so important a feature, that without his wise

counsels it is probable that nothing would have resulted. Upon the termination of his administration, he retired to private life, where his fertile brain kept his tongue and pen busy amusing himself and instructing his fellows to the time of his death in 1790, after an unparalleled career of public usefulness to which his administration of Pennsylvania affairs, October 18, 1785, to October 14, 1788, was a worthy culmination.

To the Assembly Recommending various measures of internal improvement.

Gentlemen:

BY THE SEVENTEENTH SECTION OF THE CON-stitution, the General Assembly are directed to cause compleat lists of the taxable inhabitants in the city and each county in the Commonwealth respectively, to be taken and returned to them every seventh year, from the year 1778, in order to regulate and apportion upon those lists the number of representatives to be chosen for the ensuing period. As this is a matter of importance, and falls upon the present year, it appears to us that it would be well to attend to it as soon as possible. By the present criminal laws fines are a part of the punishment for a variety of offences; applications are continually made to us by the offenders for remission of such fines; and these applications are recommended by the Magistrates, on the sole consideration that the criminals being poor and unable to pay, become, while detained in prison, a charge to the public; as this is generally the case, the imposition of fines is rendered ineffectual as a punishment, and the satisfaction due by the laws to the community from the offenders, is not made. We, therefore, offer it for your consideration, whether means may not be found to oblige them to pay by labor what they are unable to pay in money, and whether this would not tend more to the prevention of offences, those especially which are committed thro' a vicious dislike of labor. In the General Reform of our penal laws, necessary in itself, and required by the thirty-eighth section of the Constitution, this particular will properly come before you.

Easy communication between the different parts of the State, is one of the means that contribute to its wealth and prosperity. Our roads are generally bad,

whereby the conveyance of our produce and merchandise to market is often obstructed, delayed, or rendered more expensive. If the repairing of roads was made a county charge, to be defrayed by a tax, and executed by contract, instead of being as at present an unequal burthen on the townships, we apprehend they would be kept in better order, and the public greatly benefited.

The establishment of an improved system of revenue is a matter that seems to us very necessary, and we therefore, earnestly recommend it to your consideration.

The test laws, however, proper and necessary they may have been at the time and under the circumstances in which they were made, are at present, on various accounts, the cause of much uneasiness in the State. We are, therefore, of opinion that it is now expedient to revise them.

We should have sooner laid some of these matters before you Honorable House, but that we were unwilling to withdraw your attention from the important points recommended to you by Congress.

BENJAMIN FRANKLIN.

Council Chamber, Philadelphia, Nov'r 11th, 1785.

To the Assembly Concerning a petition for redress and relief from certain natives of China and Bengal late a part of the crew of the Pallas Indiaman.

In Council, Philadelphia, November 3rd, 1785.

A PETITION WAS SOME DAYS SINCE PRESENTED to this Board by Sick Keesar and thirty-five others, natives of China and Bengal, and late a part of the crew of the Pallas Indiaman, stating

that they had been compelled by force of arms to navigate the ship aforesaid, from Batavia in the East Indies to Baltimore in Maryland; that in the course of their passage they were otherwise much ill treated by John O'Donnells, their Captain; that wishing to return to their friends and country, they had come hither in the prospect of being able to get a passage in Captain Truxtun; that finding that impracticable, and being now without money, and at once unaccustomed to the manners, language and climate of this country, they were induced to pray for the interposition of government, and beg from it such supply of food and cloathing as under these circumstances Council may think proper to grant. Viewing it as a matter of some importance that these people should not be permitted to carry home with them any well-founded prejudice against either the justice or humanity of these United States, Council have thought proper to come to two resolutions upon it: The first was, that a copy of their petition should be transmitted to the Governor of Maryland, with a request that measures may be taken to investigate the facts relating to their treatment by Captain O'Donnell, and, if injured, that justice might be done them. The second, that the General Assembly should be requested to make such provision for them as may be necessary for their immediate health and comfort.

BENJAMIN FRANKLIN.

To the Assembly Concerning certain requisitions of Congress.

Gentlemen:

HEREWITH WILL BE LAID BEFORE YOU THE following papers, vizt:

A certificate of the running and marking the boundary line between this State and Virginia.

A letter from the Honorable Joseph Gardner, Esquire, Delegate of Pennsylvania in Congress, accompanied with a report from the Board of Treasury.

A letter from Charles Thomson, Esquire, Secretary of Congress, dated October the seventh, inclosing two acts of Congress of September the twenty-seventh, and September the thirtieth.

A letter of October the tenth, from the Board of Treasury, inclosing the requisition of Congress for the present year, with statements of the deficiencies of several preceeding years.

A letter from Charles Thomson, Esquire, inclosing a resolution of Congress of October the twelfth.

A letter from the Honorable John Jay, Esquire, Secretary for Foreign Affairs, inclosing one from the Chevalier John Paul Jones.

A letter from John Nicholson, Esquire, Comptroller General, with a paper containing the heads of charges which this State hath against the United States.

A letter from the Board of Treasury of October the twenty-fifth, inclosing an act of Congress of April the twenty-seventh, 1784; and another of October the twelfth, 1785.

A letter from Charles Thomson, Esquire, of October 25th, with a state of our representation for the last month, and copies of the Journals of Congress.

Gentlemen:

These requisitions of Congress, and the subject of their several resolutions and acts, appear to us of such vast importance to the present reputation and future security of these States, that we must earnestly press your taking them into immediate consideration, and making such provision for answering their salutary purposes as to your wisdom shall appear most effectual.

BENJAMIN FRANKLIN.

Council Chamber, October 28th, 1785.

To the Pennsylvania Members of Congress Concerning the proposed cession by Connecticut of a part of that State's claim to Western territory to the United States.

In Council, Philadelphia, May 11th, 1786.

Gentlemen:

SINCE THE INCLOSED COPY OF MY LAST, Council have had your letter under consideration, and we are apprehensive of disagreeable consequences from the cession, if made in the manner in which it is expressed.

We depend on your steady and vigilant opposition to every measure that may injure or weaken the claims and rights of Pennsylvania:

We conceive it would be proper to obtain a twelve months extension of time for the claimants to present their applications in Pennsylvania for the reasons you suggest; and desire Congress may be moved to grant such an extension. In regard to the additional Commissioner, it does not appear to be of so much consequence.

With great regard and esteem, I have the honor to be, Gentlemen,

Your most obedient servant,

BENJAMIN FRANKLIN, President.

The Honorable the Delegates of Pennsylvania in Congress.

To the Assembly Concerning certain Communications from Congress and particular States, the negotiations with Delaware and Maryland, and the act for the relief of officers, soldiers and seamen of the late war.

Gentlemen:

HEREWITH WILL BE LAID BEFORE YOU A number of communications made by Congress and particular states since your last meeting. These we recommend to your consideration, and especially the requisition of Congress for our quota of the Fœderal supply for the year 1786. It is to the honor of Pennsylvania that she has hitherto been behind none of the States in ready compliance with such requisitions, and we have no doubt but you will take care to provide that this part of our character shall continue undiminished—the due support of our General Government, and the punctual discharge of our foreign obligations, being of essential importance to the welfare and security of the whole Union.

Some farther progress has been made in the negotiation with the States of Delaware and Maryland since your last session: Commissioners have been appointed, an interview proposed, and every inclination to meet this Commonwealth on the ground of reciprocal advantage discovered.

Having observed that the act passed on the twenty-second day of September, 1785, entituled “An Act for the relief of officers, soldiers, and seamen, who, in the course of the late war, have been wounded or otherwise disabled in the service of this State or of the United States,” is liable to many and great abuses. That it has, in some instances falling within our own knowledge, been made to operate on very improper sub-

jects. We are of opinion that a revisal thereof should take place as early as possible, and such alteration made as will effectually prevent any misapplication of the benevolence of Government.

Among the papers sent you are some which relate to the people of Wyoming.

We expect that these settlers will send agents hither to represent to your Honorable House their present situation.

BENJAMIN FRANKLIN.

Council Chamber, Philadelphia, August 25th, 1786.

To the Assembly Concerning State lands and boundaries.

Gentlemen:

THE FOLLOWING SUBJECTS HAVE PRESENTED themselves to us as important, and are submitted to your consideration.

By a report of the 4th of October, from Messieurs Porter and McClean, we are informed, that the business upon which they were employed is now finished, and that the Western line of this state extends some distance into Lake Erie.

The advantages which may result to the public from this circumstance, if well understood and properly improved, have led us to suggest the expediency of setting off and reserving to the use of this Commonwealth a tract of land, of such shape and dimensions as shall take in all those parts of the Lake falling within our limits.

By a law passed on the 16th day of September, 1785, the 10th day of April next has been made the period for completing all titles to lands held by location, or other office right, obtained before the 10th day of Sep-

tember, 1776, and yet remaining unpatented. On this we would state our information, that the indulgence offered by this law has been seldom used, and our belief, that notwithstanding the wishes of the people to accommodate, it will, eventually, meet with but little compliance. Should the penal part of it be strictly observed, it is hard to say what evils it might originate, or where they would cease. The presumption is, that they would be many and extensive; and, in this event, we need scarcely suggest how much safer and better it would be to alter the law, than to risk the experiment. Another objection to the law, as it now stands, will arise from the mode prescribed for its execution. By reference to an Act of Assembly passed the 9th day of April, 1781, the Land Officers are directed to make out and transmit "to the respective County Commissioners, list of delinquents for purchase money and interest, or arrearages of purchase money and interest, in their counties, respectively, upon which lists the Commissioners are required to issue their Warrants of Sale, &c.;" but from a view of the Land Office books, it appears that all accounts are in the names of the original warrantees, who in many instances are dead, and who in others have transferred the property, whence it must follow that these lists cannot be made a directory for the processes to be instituted. Under these circumstances, two expedients offer, which in our opinion, obviate all objection, and make compliance easy. The first of these is, to extend the term given for completing titles; the other, to make all funded certificates of the State receivable at the Land Office, for every description of debt due therein. To the former no objection has occurred, and to the latter such only as may be drawn from the law entitled "An act for emitting the sum of five hundred thousand pounds, &c.;" and which may be easily and fairly removed by commuting the fund.

To this, we would only add, that we cannot enter into either the justice or policy of keeping a resource of so much promise as the arrearages are stated to be, exclusively charged with the redemption of a sum which does not, in fact, amount to more than sixty-five thousand pounds, when, if made immediately to operate upon the certificates of the State, they would, soon and necessarily, absorb a much greater proportion of our debt. Number one of the papers inclosed, will illustrate this calculation.

Our duty has occasionally led us to enquire into the sales of land within the new or last Indian purchase, and it is with some regret, that we find ourselves able to assure you, that they fall far short of every hope and calculation that we had entertained concerning them. This failure we attribute to the high and very unequal price set upon the land. To liberate this fund, therefore, from its present inactivity, and make it as productive as we had originally expected, we think it only necessary that the price of the land be lowered. The nearer it can be brought to that of the old purchase the better.

We are of opinion the reserved tract opposite to Pittsburgh, should now be sold, and that if divided into small lots, for the accommodation of the town, it would sell to the greatest advantage.

We enclose the petitions of John Sharp and Anthony Selin.

B. FRANKLIN.

Council Chamber, Philadelphia, November 15th, 1786.

To the Assembly Concerning various matters of State
policy.

Gentlemen:

DURING YOUR RECESS AN ELECTION HAS been held for the county of Luzerne. While this event affords a proof of the wisdom of your measures, we must acknowledge that Mr. Pickering, a Commissioner for holding the election, was instrumental in its accomplishment, by exposing the many false and artful representations which had been made by the people opposed to the authority of Government.

We think it our duty again to recommend to your Honorable house the receiving the funded certificates of the State for the arrearages due on lands, located or warranted before the year 1776; it appears to us a measure just, and so reasonable that it will be highly beneficial and give General satisfaction. Many of the citizens who are in arrear have suffered by the calamities of the war, and cannot settle at the Land Office unless their certificates are received in payment. If this indulgence is not granted they will be obliged to give part of their lands to speculators to have it patented, or endeavour to evade payment.

We are convinced it will be of advantage to the State to lower the price of land within the late Indian purchase, only eight warrants have been taken out for lands there these six months past.

Since your recess we have been applied to by Messieurs Bedford and Neville, for payment of the balances due to them, as their accounts appear to be just and reasonable, we recommend them to the consideration of your Honorable House.

The Secretary will lay before you a letter from the Board of Treasury of the United States, of the 2d inst., inclosing an account of expenditures, under the general head of contingencies, from the first day of January to the 31st day of December, 1786, together with a

letter from the Secretary of Congress, dated the 2d instant, inclosing the Journals of Congress for the last Federal year, and a petition from Thomas Hutchins, Esquire.

BENJAMIN FRANKLIN.

Council Chamber, Philadelphia, February 23th, 1787.

Proclamation of reward for the apprehension of certain rebels proclaimed by the State of Massachusetts Bay.

BY THE PRESIDENT AND THE SUPREME EXECUTIVE COUNCIL of the Commonwealth of Pennsylvania.

A PROCLAMATION.



Whereas, The General Assembly of this Commonwealth, by a law intituled "An Act for co-operating with the State of Massachusetts Bay, agreeable to the articles of confederation, in the apprehending of the proclaimed rebels, Daniel Shays, Luke Day, Adam Wheeler, and Eli Parsons," have enacted "that rewards additional to those offered and promised to be paid by the State of Massachusetts Bay for the apprehending the aforesaid rebels be offered by this State." We do hereby offer the following rewards to any person or persons who shall, within the limits of this State, apprehend the rebels aforesaid, and secure them in the jail of the city and county of Philadelphia, vizt: For the apprehending the said Daniel Shays, and securing him as aforesaid, the reward of one hundred and fifty pounds lawful money of the State of Massachusetts Bay, and one hundred pounds lawfull money of this State; and for apprehending the

said Luke Day, Adam Wheeler, and Eli Parsons, and securing them as aforesaid, the reward (respectively) of one hundred pounds lawful money of Massachusetts Bay, and fifty pounds lawfull money of this State; and all Judges, Justices, Sheriffs, and Constables are hereby strictly enjoined and required to make diligent search and enquiry after, and to use their utmost endeavours to apprehend and secure the said Daniel Shays, Luke Day, Adam Wheeler, and Eli Parsons, their aiders, abettors and comforters, and every of them, so as they may be dealt with according to law.

Given in Council, under the hand of the President, and the seal of the State, at Philadelphia, this tenth day of March, in the year of our Lord one thousand seven hundred and eighty-seven.

BENJAMIN FRANKLIN.

Attest—John Armstrong, Jun'r, Secretary.

GOD SAVE THE COMMONWEALTH.

Granting Amnesty to certain persons concerned in the late riot in Luzerne County.

In Council, October 10th, 1787.

Instructions to the Honorable Nathan Dennison,
Esquire.

ON CONSIDERATION OF THE LETTER COMMUNICATED by you, which you received from sundry of the persons principally concerned in the late riot in the country of Luzerne, upon the apprehending of John Franklin, representing that the same was committed in the heat of passion, occasioned by the supposition that he was carried off illegally, without the authority of any regular writ or warrant; and that

being now better informed, they were sorry for their misconduct in that affair, and determined to submit quietly to the operation of the laws, hoping this their offence might be passed over:—The Council, ever desirous to promote and establish peace and good order in that county, and giving credit to the aforesaid declaration of the offenders, do hereby authorize you to assure them that if they hereafter behave orderly, as good citizens of the State of Pennsylvania, no prosecution shall be commenced against them on account of their said irregular and criminal conduct, but you are at the same time to acquaint them that the Government, having already taken every measure for securing to the settlers the future quiet possession of their lands, are now determined to carry into execution the laws of the State, to the full extent of its boundaries, and purpose to send immediately into that county a force sufficient to support the public officers in the discharge of their respective functions against all opposers, who, if they persist in their evil practices, are to expect no further favor.

B. FRANKLIN, President.

To the Assembly Concerning the late disturbances at Wyoming and sundry matters of finance.

Gentlemen:

SINCE THE LAST SESSION THERE HAS BEEN a renewal of the disturbances at Wyoming, some restless spirits there having imagined a project of withdrawing the inhabitants of that part of this State, and some part of the State of New York, from their allegiance, and of forming them into a new State, to be carried into effect by an armed force, in defiance of the laws of the two States. Having intelligence of

this, we caused one of the principal conspirators to be apprehended and secured in the gaol of this city; and another, who resided in the State of New York, at our request has been taken up by the authority of that Government. The papers found on this occasion, fully discover the designs of these turbulent people, and some of their letters are herewith laid before you. The Government of New York, has in this affair, manifested the most friendly and neighbourly disposition towards this State, and has promised to concur with us in such future measures as may be necessary to secure the due operation of the laws, and restore quiet in those parts of both States, where these irregular and ill-disposed settlers have their habitations. To protect the civil officers of our new county of Luzerne in the exercise of their respective functions, we have ordered a body of militia to hold themselves in readiness to march thither, which will be done, unless some future circumstances and informations from those parts may make it appear unnecessary.

The sudden and unaccountable obstruction which the currency of the paper money of this State has lately met with, we earnestly recommend to your consideration as a matter of great importance; the private interests of the citizens being very extensively affected by it, and the public in danger of suffering a loss in its revenue of excise duties and taxes, &c., proportioned to any depreciation the paper money may be attended with. Perhaps it may be adviseable to put a stop to the farther re-emissions on loan, which are permitted by the law as it now stands.

We would likewise recommend to your consideration the subject of a law to regulate the fees of the various officers of the State, especially those of the Executive and Judicial departments.

The lowering the price of lands in the new purchase, we now think necessary, it being very evident that

they will not sell till this takes place. At the same time we are of opinion it would be of advantage to the State if those who become purchasers had an exemption from taxes for several years, as it would be an encouragement to the people to become purchasers.

Since the expiration of the law for granting lands to the officers and soldiers of the Pennsylvania line, a number of applications have been made to us by persons who were entitled, but for want of information did not apply in time. We therefore recommend it to your Honorable House to pass a law granting a further time for those people to come in and draw for their lands. Sundry dispatches we have received from Congress are herewith communicated.

BENJAMIN FRANKLIN.

Council Chamber, Philadelphia, October 27th, 1787.

To the Assembly Concerning various matters of State policy.

SINCE YOUR RESOLUTION, OF THE THIRTY-first ult., was forwarded to Congress, Council having received information that the members remaining at New York, were not sufficient to form a representation of the United States.

As the danger to the State appears to be pressing, and the permission solicited from Congress cannot now be obtained, Council, therefore, recommend it to the General Assembly to adopt effectual measures for enforcing the laws of the State in the county of Luzerne, which they are of opinion cannot be done without a permanent force.

The expulsion of the Commissioners from Wyoming will occasion a delay in the execution of their duty under the late law. Council, therefore, recommend that a further time be given for compleating the services expected from them under their present appointment.

The case of Colonel Mentges, submitted to the committee of a former House, is recommended to the attention of the General Assembly, as he appears to have performed sundry services for which he has received no compensation.

The petition of Captain Woolpper is herewith transmitted, as the powers of Council do not extend to his case.

Considerable deficiencies have arisen in the collection of taxes, owing to the neglect of some of the Magistrates in not prosecuting delinquents after returns are furnished to them by the Collectors.

This abuse, in the opinion of Council, merits the attention of the General Assembly, either in removing the Magistrates guilty of such neglect, or subjecting them to some penalty that may compel them to a faithful discharge of their duty.

BENJAMIN FRANKLIN.

November 8th, 1787.

Proclamation of reward for the apprehension of parties engaged in an attack on the dwelling of Major Alexander Boyd.

Pennsylvania, ss:

BY THE PRESIDENT AND THE SUPREME EXECUTIVE Council of the Commonwealth of Pennsylvania:

A PROCLAMATION.



Whereas, It appears to us that about midnight, between Tuesday the sixth and Wednesday the seventh instant, a most daring riot was committed by a large company of disorderly and evil minded persons, unknown, at and on the dwelling of

Major Alexander Boyd in sixth Street, in the city of

Philadelphia, which company violently assaulted the same house by throwing stones thereat, and damaging the same to the great disturbance and annoyance of the Honorable John Baird, Abraham Smith and John Smilie, members of Council, and of James M'Lene, James M'Calmont, William Findley and John Piper, Esquires, members of the General Assembly of this Commonwealth, who were there asleep, within the same dwelling:

And whereas, It is manifest that the said rioters did perpetrate the riot and outrage aforesaid, with design to affront and injure the gentlemen aforesaid, in as much as they at the same time declared that they knew that they were lodgers with the said Alexander Boyd, and did speak concerning them in the most contumelious and threatening terms:

And whereas, The General Assembly of this State have transmitted to Council the following resolutions, entered into by them on this occasion, vizt:

Saturday, November the tenth, 1787. The committee to whom was referred this forenoon, the motion respecting the insult offered to some members of this House, made report, which was read, and on motion, and by special order, the same was read the second time, and unanimously adopted as follows, vizt:

Whereas, Complaint hath been made to this House by James M'Calmont, James M'Lene, John Piper and William Findley, Esquires, members thereof, that on the night of Tuesday the sixth instant, the house of Major Boyd of this city in which they resided, was riotously attacked by a number of persons to the said members unknown, and themselves abused and insulted by reproachfull language,

Resolved, That such outrageous proceedings is highly disapproved of by this House, and is a breach of the privilege of its members.

Resolved, That this resolution, together with the

affidavits which the said members have thought proper to produce on the subject, be transmitted to the Supreme Executive Council, and that Council be requested to issue a proclamation, offering such rewards as they may deem necessary for apprehending the perpetrators of the said outrage, in order that they may be brought to punishment, and that this House will provide for the payment of such rewards:

And whereas, It is highly proper that the authors of such high contempts, so inconsistent with the dignity and good order of government, and of the most pernicious example, should be immediately discovered and brought to condign punishment: we do therefore by this our proclamation offer and promise the reward of three hundred dollars, for the discovery of the rioters aforesaid, so that they be duly convicted of the same offence, to be paid out of the public Treasury of this Commonwealth, to the person or persons who shall furnish the necessary information concerning the premises; and we do hereby charge and require all Judges, Justices, Sheriffs and Constables to make diligent search and inquiry after, and to use their utmost endeavors to apprehend and secure the said rioters, their aiders, abettors and comforters, so that they may be dealt with according to law.

Given in Council, under the hand of the President, and the seal of the State, at Philadelphia, this twelfth day of November, in the year of our Lord one thousand seven hundred and eighty-seven.

BENJAMIN FRANKLIN.

Attest—Charles Biddle, Sec'ry.

GOD SAVE THE COMMONWEALTH.

Proclamation of Reward for the Apprehension of
Thomas Francis charged with Murder.

Pennsylvania, ss:

BY THE PRESIDENT AND THE SUPREME EXECUTIVE Council of the Commonwealth of Pennsylvania.

A PROCLAMATION.



Whereas by an inquest held by the Coroner of this city and county of Philadelphia, it appears that Andrew Crusius, a Spanish sailor, was in the night of the twentieth ultimo, at the house of Margaret Bayley in Southwark, beat and abused in such a manner by a certain Thomas Francis, that, after languishing till the twenty-eighth, he died; And whereas it is of the utmost importance, that the perpetrator of a crime so horrid should be brought to condign and exemplary punishment; We have, therefore, thought proper to issue this Proclamation, hereby engaging, that the public reward of One Hundred Dollars shall be paid to any person or persons, who shall apprehend and secure the said Thomas Francis, to be paid on his conviction for the same; And we do hereby charge and require all judges, Justices, Sheriffs, and Constables to make diligent search, enquiry after, and to use their utmost endeavours to apprehend and secure the said Thomas Francis, so that he may be dealt with according to law.

Given in Council, under the hand of the President, and the seal of the State, at Philadelphia, this twelfth day of November, in the year of our Lord one thousand seven hundred and eighty-seven.

BENJAMIN FRANKLIN.

Attest—Charles Biddle, Secretary.

GOD SAVE THE COMMONWEALTH.

Thomas Francis belonged to an English ship called the Birmingham; he is a tall lusty man, about five feet and ten inches high, black eyes, dark complexion, short curled hair; had on a short blue jacket and long sailor's trowsers, a black round hat, and sometimes wears a blue coat.

To the Assembly Concerning various matters of State policy and internal improvement.

Gentlemen:

WE SINCERELY CONGRATULATE YOUR HONorable House on the ratification of the Federal Constitution, by the convention of this State since your last recess, and we flatter ourselves that its adoption will be attended with important good consequences to all the States in the Union.

In compliance with your resolution of the thirteenth of November last, we have obtained and now lay before the General Assembly, discriptions of the lands lying between the Northern Boundary of this State and Lake Erie, with an estimate of the sums which will probably be necessary for the purchases of the same, as will appear by the papers marked No. 1 and 2, to which we beg leave to refer. We have likewise wrote to our Delegates in Congress, relative to the estimate. Their answer as soon as it comes to hand will be transmitted to your House.

A revenue law of this State, passed the twenty-fifth day of September, 1783, requiring merchants, who re-ship goods from Philadelphia to produce within one year certificates of the goods being actually landed at the port of destination, appears to bear hard on the trade of this port. We therefore recommend a revisal of the aforesaid revenue act, when the merchants will

have an opportunity of laying the particular inconveniences before your house.

The officers of the Land Office do not consider themselves authorised by the present laws to grant re-locating warrants, in cases where warrants on which the purchase money has been paid, are deprived of land by prior grants, we are of opinion that this power ought to be given, as the time may come, when vacant lands will not remain for them, and in that case the owners may call on the State for compensation.

The granting of land in the late purchase has nearly ceased, and we are apprehensive that this fund will continue unproductive, untill the terms of the new purchase are lowered, a measure which we therefore recommend.

Great mistakes have been committed by the Orphans' Courts of the different counties of this State, respecting pensions, particularly in providing for the support of the widows and orphans of militia men who fell in the late war; this power in the opinion of Council ought to be lodged in more proper hands, and its decisions thereby rendered more uniform.

The continual depreciation of our paper money merits the most serious attention of your Honorable House. This circumstance alone diffuses languor and embarrassment through the whole executive department of Government. Contracts cannot be completed for the making of roads, or any other public business, without either risking the honor of Government or acting on an implied depreciation of money, situations equally irksome and ineligible. We cannot help suggesting the propriety of more speedily destroying as much of it as is in the power of the treasury.

The time limited by law for completing titles for lands held under office rights, obtained before the tenth day of December, 1776, expires on the tenth day of April next. We are of opinion that the extension of that period is necessary,

The benefits expected from the penal laws, having not equalled the benevolent wishes of its friends and framers, we recommend such alterations to be made in it as shall be calculated to render punishment a means of reformation, and the labour of criminals of profit to the State. Late experiments in Europe have demonstrated that those advantages are only to be obtained by temperance and solitude of labour.

The act entitled "An act appointing Wardens for the port of Philadelphia, &c.," passed the twenty-sixth day of February, 1773, having by experience been found useful, and being on the point of expiring, we recommend an immediate renewal of the same for a further term, with such improvements as may occur to you.

We again recommend to the notice of your Honorable House the resolution of Congress passed March the twenty-first, 1787, and beg leave to suggest the propriety of passing a declaratory act, to answer the end intended by the said resolution.

The latest accounts from the county of Luzerne, communicated to us by Colonel Pickering, represent the settlement as being in perfect quietness at present, and that the laws of this State have their free operation.

We have now the pleasure of laying before you a map of the Northern boundary of this State, as run by the Commissioners appointed for that purpose, who have compleated that useful Work.—We also herewith communicate a letter from His Excellency Samuel Huntington, Esquire, Governor of the State of Connecticut, in consequence of which we have mitigated the severity of John Franklin's confinement as much as circumstances would warrant. An act of the Legislature of Virginia, concerning the Convention to be held in June next, transmitted by His Excellency the Governor of Virginia. And a letter from the Honorable Arthur

St. Clair, Esquire, which we beg leave to recommend to the notice of your Honorable House.

BENJAMIN FRANKLIN.

Council Chamber, Philadelphia, February 21st, 1788.

To the Assembly Concerning various matters of State policy and internal improvement.

Gentlemen:

THE DARING INSULT OFFERED TO THE LAWS of the State during the recess of your Honorable House, by the insurgents of Wyoming, in carrying off the person of Timothy Pickering, Esquire, Prothonotary of the county, called for the immediate interposition of Government, more especially as there was no knowing to what further lengths their outrages might be carried, unless speedily checked.

For this purpose we issued proclamations offering rewards for apprehending those offenders whose names were known, and made application to the governments of New Jersey and New York, to co-operate in our measures, and received the most friendly assurances of their support. We also obtained the permission from the Honorable Congress that the troops of the Union then on their march to the westward, should proceed (if found necessary,) to Wyoming. These active measures, supported by the friends of government within the county, have been attended with success.

Colonel Pickering was released, a number of the rioters have been taken into custody, and apparent peace restored to the county. Sundry papers relating to the above transactions are enclosed in number one.

In order to carry into effect your resolution of the twenty-seventh of March last, respecting the seventeen enumerated townships, we appointed Colonel

Stephen Balliot and Major William Armstrong, commissioners to ascertain the quantity and quality of the particular tracts of land contained in the said townships. To their report, marked No. 2, we beg leave to refer you.

In compliance with your resolution of the twenty-ninth of February last, we have negotiated, by means of our delegates in Congress, with the United States for the tract of country, which on actual survey may appear to be their property, on Lake Erie, adjoining the northern boundary of this State. The report, with the documents on which the same is founded, are contained in the bundle No. 3.

The lowering the terms of lands in the new purchase, and freeing the surplus of the donation lands from the appropriation by which they are bound, are matters in our opinion worthy the attention of the House. By these means not only on old fund would be rendered productive, but a new one will be opened.

Impositions are practised by persons selling adulterated plate. An office erected for the purpose of assaying and stamping all plate offered for sale, would tend to prevent fraud, and give security the purchasers of that article.

The disabled pensioners have lately been paid out of the unappropriated funds of the State. It appears that these funds are insufficient to discharge the demands made on them, and if the pensions are continued to be paid, some other provision is necessary.

The magazine for storing of gunpowder in this city is not only improperly situated with respect to the town, but too small to contain the quantities now imported and manufactured in the neighborhood. We therefore think a revisal and alteration of the laws passed the twenty-eighth of March, 1787, respecting gunpowder, is now highly necessary.

The depreciation of our paper Money calls for the attention of the Legislature. We wish for a conference

with a committee of your Honorable House on this important subject.

We have called upon the respective county Lieutenants for returns of persons subject to the performance of militia duties, and of those who have actually attended on muster-days, agreeably to your resolution of the twenty-ninth day of March last. These returns shall be laid before the General Assembly as soon as they come to hand.

We also herewith communicate a resolution of Congress, dated July the eleventh, 1788, respecting pensioners, an extract of a letter from General Harmar, dated June the thirtieth, 1788, copies of the ratification of the Federal Constitution by the States of Virginia, South Carolina, and New York, with amendments proposed by Virginia and New York; also a letter from the President of the Convention of North Carolina, inclosing the proceedings of the said Convention, a letter from Thomas Paine, Esquire, dated at Paris, May the fourth, 1788, inclosing the opinion of the Academy of Sciences at Paris, on the principles and constructions of the model for a bridge over the Schuylkill, a letter from General St. Clair, of July, the twenty-fourth, and a resolution of Congress, of August the twelfth, 1788, relative to the holding in readiness the militia on the frontiers, to act in conjunction with the Fœderal troops, in defending the western country against Indian hostilities, two letters from Charles Thompson, Esquire, Secretary of Congress, dated the twentieth and twenty-fifth days of August, 1788, the one inclosing a copy of the Journal of Congress from the commencement of the Fœderal year to the twentieth of August, 1788, and the other inclosing a requisition of the United States in Congress assembled, for the year 1788, and a memorial from Captain John Armstrong.

BENJAMIN FRANKLIN.

Council Chamber, Philadelphia, September 6th, 1788.

CHARLES BIDDLE.
Vice President
of the
Supreme Executive Council,
1784-1787.



Chapter II.

CHARLES BIDDLE.

Vice President of the Supreme Executive Council,

1784-1787.

THE AGE AND INFIRMITY OF PRESIDENT Franklin, together with his own recognized ability, kept Mr. Biddle in the Chair of the Council during a large portion of his service. He was elected Councillor from the County of Berks in October, 1784, and was chosen Vice President upon the resignation of the Honourable James Irvine, a year later. When his service in the Council was terminated by constitutional limitation in October, 1787, he received a vote of thanks "for the integrity, diligence and ability with which he had discharged the important duties of his office," and less than a month later was appointed Secretary of the Council, an office which he conducted with high credit for the ensuing quadrennium.

A Proclamation of reward for the apprehension of the robbers of Peter Iodan, son of Francis Iodan, tax collector for Warrington twp., Bucks County.

BY THE VICE PRESIDENT AND THE SUPREME Executive Council of the Commonwealth of Pennsylvania.

A PROCLAMATION.



Whereas, By a deposition taken according to law, it appears that on the third day of this present month, Peter Iodan, son of Francis Iodan, Collector of taxes, &c., for the township of Warrington, in the county of Bucks, within this State, was upon the highway within three-quarters of a mile of Newtown, in the county aforesaid, robbed of thirty-six French crowns, a number of dollars, and a sum of paper money, &c., by two persons unknown:

And whereas, It is of the utmost importance to the good people of this State that the perpetrators of such atrocious crimes should be brought to condign punishment, we have thought fit to offer, and do hereby offer a public reward of one hundred dollars for the perpetrators of the said robbery, or fifty dollars for either of them, to be paid on conviction for the same to any person or persons who shall apprehend and secure them or either of them; and all Judges, Justices, Sheriffs, and Constables, are hereby strictly enjoined and required to make diligent search and enquiry after, and to use their utmost endeavors to apprehend and secure the said robbers, their aiders, abettors and comforters, and every of them, so that they may be dealt with according to law.

Given in Council, under the hand of the Vice President and the seal of the State, at Philadelphia, this tenth

day of December, in the year of our Lord one thousand seven hundred and eighty-five.

CHARLES BIDDLE, V. P.

Attest—John Armstrong, Junior, Secretary.

GOD SAVE THE COMMONWEALTH.

To the Assembly Concerning various measures of State policy.

Gentlemen:

WITH THIS MESSAGE WILL BE PRESENTED sundry papers which have been received during your recess, and which we have thought proper to transmit thus early in the session for your advice and consideration.

The several letters from Mr. Secretary Thomson will shew the state of the representation in Congress for the months of November, December and January last; and the circular letter from the Board of Treasury exhibits an account of the receipts and expenditures of the United States from the first of November, 1784, to the first of November, 1785.

Mr. Maclay's report of the temper of the six nations, and the success of his last commission, cannot fail to be very satisfactory, and adds another instance to the experience of Pennsylvania, that the friendship of Indians is only to be secured by treaties founded upon reciprocal advantage fairly conducted and strictly adhered to.

The letter from our Delegates of the thirty-first of December, and that from Alexander Patterson of the twenty-eighth of January, are immediately connected with a subject of much importance to the peace and honor of the State. From these papers it appears that the spirit of disorder which has so much prevailed in

a part of Northumberland county, and which the State has so often and vainly endeavoured to reclaim by acts of indulgence, is still existing in great force, and that after having so long spoke the language of occasional disobedience, it is now meditating the means of lasting defection.

The paper signed John Franklin, &ca., like many former and more explicit demonstrations of submission, can therefore, but be considered as intended to amuse and deceive.

Under these circumstances, we submit to the wisdom of the House, whether any new measures additional to those provided by your act of the twenty-fourth day of December last, should now be adopted, as necessary to correct an evil which forbearance tends only to strengthen and increase.

The negotiations with the States of Delaware and Maryland for the purpose of an improved inland navigation, has commenced, and we hope to receive the sense of those States upon our propositions before the close of your present session.

On this measure we would, however, wish to remark, that the reasoning which suggested it might, as far as they relate to Pennsylvania alone, be much farther and very usefully extended.

The increasing population and wealth of our western frontier, makes a more easy and intimate connection with it an object of much moment, and, considered in all its consequences, cannot fail to induce some early steps preparatory, at least, for opening a communication by water, between the Alleghany river and the West branch of Susquehanna river.

The letter of the thirtieth of January from Governor Henry, contains some resolutions of the Legislature of the State of Virginia, which, in our opinion, cannot but be too warmly recommended. It is the intention of these resolutions to bring about a Commercial Con-

vention of the States, which we regard as the only efficient means immediately in our power to correct, or remove the many evils by which the trade of America has been so long and exceedingly oppressed.

By the forty-second section of the Constitution it is declared, that every foreigner of good character who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or, by other just means, acquire lands, &c., &c., and, after one year's residence be deemed a free citizen thereof, &c., &c.

It may be the eventual misfortune of this State that no mode should yet have been adopted for ascertaining the good character of such foreigners as have come to settle among us, and exercise the rights of citizens; and we should hold ourselves very deficient in political duty, were we not to recommend that some measure should now be devised and adopted which, while it admitted the industrious and honest, would operate as an effectual bar against the idle and profligate.

The claims of Alexander McDowell and Henry Bedkin, Esquires, and of Messieurs Bedford, Neville, &c., seem to be well founded, and have the recommendation of this Board.

CHARLES BIDDLE, Vice President.

Council Chamber,

Philad'a, Feb'ry, 22d, 1786.

To the Assembly Concerning the Soldiers late in Lieutenant Colonel Harmer's Regiment.

In Council Philadelphia, March the 20th, 1786.

Sir:

I ENCLOSE SEVERAL PAPERS WHICH COUNCIL wish to be laid before the House.

The case of John R. Shaw, late a Corporal in the regiment commanded by Lieutenant Colonel Harmer,

is peculiarly hard, and we hope that the relief provided for soldiers of the late Federal army and the militia of this State in his situation, may be extended to him, and such others of the same corps as belong to this Commonwealth, who may have been disabled in public service.

CHARLES BIDDLE, V. President.

Honorable Thomas Mifflin, Esquire, Speaker of the
General Assembly.

To the Assembly Concerning the Appointment of
Colonel Francis Mentges to be Inspector General
of Militia.

Gentlemen:

HAVING OBSERVED WITH THE GREATEST satisfaction, a revival of that spirit and those habits which have so highly distinguished the militia of this city and its vicinity, and wishing to give them such countenance as will most effectually tend to diffuse them throughout the State, we have, during your late recess, unanimously appointed Colonel Francis Mentges to the place of Inspector General. Under this appointment it will become his business to encourage and direct this rising disposition, to mark out and establish a uniformity of appearance and discipline in the several corps, to examine into the state of arms and accoutrements, and to notice and report all abuses of such public property as may fall within his care or observation. In executing this necessary and important trust, some expence must be incurred and much time given. 'Tis, therefore, the object of this message, to request that for these such compensation be made as the House in their wisdom will think proper to direct.

We take this opportunity of communicating also a letter of the twenty-third ult., from President Sullivan,

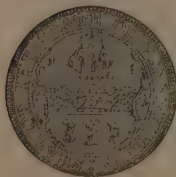
containing several papers relating to the capture and condemnation of the brigantine *Susannah*, &c. And a letter of the 28th from Mr. Jay; and a proposition from the house of Coxe and Frazier, on the subject of arms.

CHARLES BIDDLE, V. P.

Proclamation of Reward for the apprehension of one
James Burn guilty of felony.

BY THE VICE PRESIDENT AND THE SUPREME
Executive Council of the Commonwealth of Penn-
sylvania.

A PROCLAMATION.



Whereas, By the examination of a negro boy named Jim, taken before the Honorable Francis Hopkinson, Esquire, Judge of the Admiralty, it appears that on or about the fifteenth ult., a certain James Burn did feloniously run away with, and carry off the negro boy aforesaid, and a sloop called the *Bumper*, Simpson, master, the property of David King and William M'Dowel, of the Island of Antigua:

And whereas, It appears by the deposition of James Kennard, Pilot, taken as aforesaid, that on the 29th of August, last, being near Lewistown, in the bay of Delaware, he found the sloop aforesaid at anchor, with the negro boy Jem on Board, (the said Burn having previously quitted the sloop and gone ashore:)

And whereas, It is of the utmost importance that the perpetrators of such atrocious crimes be brought to condign punishment; we have thought fit to offer, and do hereby offer a public reward of one hundred dollars for the said James Burn, to any person who shall ap-

prehend and secure him, to be paid on his conviction for the same: And all Judges, Justices, Sheriffs and Constables, are hereby strictly enjoined and required to make diligent search and enquiry after, and to use their utmost endeavors to apprehend and secure the said James Burn, his aiders, abettors and comforters, and every of them, so that they may be dealt with according to law.

Given in Council, under the hand of the Vice President and the seal of the State, at Philadelphia, this eighth day of September, in the year of our Lord one thousand seven hundred and eighty-six.

CHARLES BIDDLE, V. P.

Attest—John Armstrong, Jun'r, Secretary.

GOD SAVE THE COMMONWEALTH.

To the Speaker of the Assembly Concerning the offering of certain rewards for the Participants in the Shays Rebellion.

Sir:

I ENCLOSE A LETTER FROM THE GOVERNOR of Massachusetts, accompanied by an extract from the proceedings of the General Court of that Commonwealth.

I have also to communicate the opinion of Council that a reward of one hundred pounds for Daniel Shays, and fifty pounds for each of the other principals mentioned in Governor Bowdoin's proclamation, additional to the rewards we are requested to offer on the credit of Massachusetts, be offered by this Commonwealth, if apprehended within the limits thereof.

We should be happy if this opinion meet the approbation of the House.

I am, sir, with great regard,

Your Obedient Humble Servant,

CHARLES BIDDLE.

Honorable the Speaker of the General Assembly.

To the Assembly Recommending the Enactment into a law of the bill for the sale of the reserved tract opposite Pittsburgh and other matters.

Gentlemen:

THE SECRETARY WILL LAY BEFORE YOU A letter from the Minister for Foreign Affairs of the third of July, inclosing extracts of sundry letters transmitted by the Honorable Mr. Adams; two letters from Charles Thomson, Esquire, of the second and twenty-first of July, inclosing some returns of the state of representation in Congress; an ordinance of Congress respecting public accounts which remain unliquidated, and a copy of the treaty of peace with the Emperor of Morocco; a report of the Board of Treasury of the United States; sundry resolutions of Congress—one of them recommending the repeal of all legislative acts repugnant to the treaty of peace with Great Britain, one other relating to pensions due to officers in the late army, and a third allowing further time for exhibiting claims against the United States; a transcript of the record of the conviction of Thomas Dyer, a Justice of the Peace in Bucks county, for an assault and battery upon Joseph Thomas, of the said county; a memorial from divers claimants of land in the county of Luzerne; and a petition from Anne Downy.

In a message from this Board to your honorable House in November last, we recommended the sale of the reserved tract opposite to Pittsburgh. A bill for this purpose has been published for consideration, and ordered to be engrossed. We are of opinion it will be of advantage to the State if this bill be enacted into a law during this session.

CHARLES BIDDLE, President.

Council Chamber, Philadelphia, September 6th, 1787.

Proclamation for the Apprehension of Certain Law
Breakers in Luzerne County.

A PROCLAMATION.



WHEREAS, IT APPEARS FROM the deposition of John Wigton, and other testimony, that John Franklin, Leriah Beach, John McKinstry, and John Jenkins, have violently opposed the execution of the law in the county of Luzerne, and drove many of the claimants under Pennsylvania from their habitations out of the county:

And whereas, it is of the utmost importance to the good people of this State, that the perpetrators of such atrocious offences should be brought to condign punishment; we have thought proper to issue this Proclamation, hereby engaging that the public reward of four hundred dollars shall be paid to any person or persons, who shall apprehend and secure John Franklin; and the public reward of two hundred dollars shall be paid to any person or persons who shall apprehend and secure John Jenkins; and the public reward of two hundred dollars shall be paid for apprehending and securing Leriah Beach, and John McKinstry, or one hundred for either of the said Leriah Beach or John McKinstry. The above rewards to be paid on the offenders or offender being secured in the jail of the city and county of Philadelphia; and we do hereby charge and require all Judges, Justices, Sheriffs, and Constables, to make diligent search, enquiry after, and to use their utmost endeavours to apprehend and secure the said John Franklin, Leriah Beach, John McKinstry, and John Jenkins, so that they may be dealt with according to law.

Given in Council, under the hand of the Honorable
Charles Biddle, Esquire, Vice President, and the

Seal of the State, at Philadelphia, this twenty-fifth day of September, in the year of our Lord, one thousand seven hundred and eighty-seven.

CHARLES BIDDLE.

Attest—James Trimble,

For John Armstrong, Jun'r, Secretary.

GOD SAVE THE COMMONWEALTH!

Proclamation announcing the conditions governing the patenting of lands in Pennsylvania and Virginia under the agreement of August 31st, 1779.

A PROCLAMATION.



WHEREAS, A CERTAIN agreement was entered into between this Commonwealth and the Commonwealth of Virginia, on the thirty-first day of August, 1779, which agreement was afterwards, to wit: on the twenty-third of June, 1780, con-

firmed by the State of Virginia, subject to several conditions, one of which was: "That the private property and rights of all persons, acquired under, founded on, or recognized by the laws of either State, previous to the twenty-third of June, 1780, aforesaid, be secured and confirmed to them, although they should be found to fall within the other; and that in the decision of disputes therein, preference shall be given to the elder or prior right, whichever of the said States, the same shall have been acquired under; such persons paying to the State within those boundary their lands shall be included, the same purchase money which would have been due from them to the State, under which they claimed the right, &c."

And whereas, It hath been made manifest to Council, that divers persons have applied to the State of Virginia, and have procured patents after the said twenty-third of June, 1780, whereby this Commonwealth is deprived of part of one of the branches of the revenue, and many well disposed persons may be led by such examples to procure patents in the same manner, to the future loss and damage of themselves, and of such as may come into their place by purchase or otherwise:

We do therefore, Warn all such persons who have procured patents from Virginia, since the said twenty-third day of June, 1780, not to rely on them as good titles to their lands, as also all such as are entitled to a confirmation of their titles to unpatented lands, whether originating in Virginia or Pennsylvania, that the Act of Assembly in being respecting the patenting all such lands, will expire on the tenth day of April, 1788, of which all persons concerned, are to take notice, and govern themselves accordingly.

Given in Council, under the hand of the Honorable Charles Biddle, Esquire, Vice President, and the seal of the State, at Philadelphia, this twenty-sixth day of September, in the year of our Lord one thousand seven hundred and eighty-seven.

CHARLES BIDDLE, V. P.

Attest—John Armstrong, Jun'r, Sec'ry.

GOD SAVE THE COMMONWEALTH.

PETER MUHLENBERG.
Vice President
of the
Supreme Executive Council,
1787-1788.



Chapter III.

PETER MUHLENBERG.

Vice President of the Supreme Executive Council,

1787-1788.

MONTGOMERY COUNTY SELECTED GENERAL Muhlenberg as its representative in the Council in October, 1765, and two years later he was elected Vice President to succeed Charles Biddle, whose term had expired some weeks previously. He held the position until his term as Councillor constitutionally expired. Upon the day following it was noted that he "had gone out of town without resigning his office of Vice President," and an Express was sent to him with a letter from Council requesting him to send in his resignation, which was received the following afternoon. In November, 1788, he was chosen as a representative of Pennsylvania in the first United States Congress, and was again elected to that body in 1792 and 1800, continuing to render to the state services of the high standard characteristic of his work in the Supreme Executive Council.

To the Speaker of the Assembly Concerning the Desirability of a Treaty with the Western Indians for the Purchase of Certain Lands Relinquished to Pennsylvania by Congress.

In Council, Philadelphia, September 9th, 1778.

Sir:

BY DIRECTION OF THE BOARD, I DO MYSELF the honor to transmit to you for the consideration of the General Assembly an act of Congress, passed the fourth instant, by which the United States relinquish and transfer to the State of Pennsylvania all their right, title, and claim, to the Government and jurisdiction of the tract of land on lake Erie, which the State has agreed to purchase of the United States.

By accounts received from Pittsburgh, a pacific disposition is manifested on the part of the Indians, and there is now reason to expect a large meeting of the northern and western tribes at Muskingam, to hold a treaty with the Continental Commissioners. This favorable opportunity ought not, in the opinion of Council, to be missed, for altho' the quantity of triangle purchased from the Board of Treasury cannot be ascertained with precision before the necessary lines are run, agreeably to the act of Congress, in the sixth day of June last, yet, as a great part of the expence attending treaties with Indians is incurred by collecting and furnishing them with provisions, charges which in this instance may be avoided, Council therefore earnestly recommend the appointing Commissioner on the part of this State, to attend the ensuing treaty for purchasing from the Indians who may appear to have just claims to the same, the whole of the triangle aforesaid,

as nearly as the bounds of the same may be ascertained by the best information which can be now obtained.

I have the honor to be, sir,

Your most obedient and very humble servant,

PETER MUHLENBERG, V. P.

Honorable Thomas Mifflin, Esq'r, Speaker of the General Assembly.

To the Assembly transmitting the Memorial of David Linton.

In Council, Philadelphia, September 19th, 1788.

Sir:

THE MEMORIAL OF DAVID LINTON, OF THE county of Lancaster, is inclosed for the consideration of the General Assembly. The merits of this worthy citizen in apprehending a daring villain, in the opinion of Council, claim the attention and some reward from your Honorable House.

I have the honor to be with great respect, your obedient and very humble servant,

PETER MUHLENBERG.

Honorable Thomas Mifflin, Esq'r, Speaker of the General Assembly.

Instructions to the Commissioners for Purchasing the Northwestern Lands from the Indians.

In Council, Philadelphia, October, 2nd, 1788.

Gentlemen:

YOU WILL HEREWITH RECEIVE A RESOLUTION of the Honorable the General Assembly of the thirteenth ultimo, together with the several resolutions of Congress, respecting the triangular piece of Country which lies adjoining Lake Erie and the

northern line of Pennsylvania, by which you will find that this State is now vested with both right of jurisdiction and soil. You will likewise receive a commission for the purpose of purchasing from the Natives their claim to the soil, agreeably to the constant usage of Pennsylvania, as also a rough draft of the country in question, laid down by Mr. Ellicot, in the best manner he has been able from his present knowledge of it.

The Supreme Executive Council are very sensible of the great difficulties which you progress in this business, must be attended with not having the monies necessary for this service in your present disposal, nor would the Board by any means have imposed the task under such a circumstance, had it not been on account of the advantage which will probably result from the present Convention of these Indians at Muskingum, or perhaps the advantage of finding them at Pittsburgh on their way to their own country, might be a more favorable place, so that you will have either in your power.

The Board have great reliance on your prudence, sagacity and particular knowledge of these people, as well as a proper knowledge of their present disposition from the Continental transactions, which one of you have or now especially conversant with. If therefore, you shall find the Indians who have just claims in a proper temper or otherwise, you will be governed accordingly, whether to commence the business at present or leave it over until you shall have prospects more favorable; it is however, hoped that you may be able to dispose the minds of these people, at least to appoint delegates to meet at a certain future day and place, to finish what you have happily now begin.

I have the honor to be, Gentlemen, with great respect,

Your most obedient and very humble servant,

PETER MUHLENBERG, V. President.

General Richard Butler and John Gibson, Commissioners for purchasing from Indians, &c.

DAVID REDICK.
Vice President
of the
Supreme Executive Council,
1788.



Chapter IV.

DAVID REDICK.

Vice President of the Supreme Executive Council,

1788.

ELECTED COUNCILLOR FOR WASHINGTON County in October, 1786, Mr. Redick took his seat on the 20th of the following month. When General Muhlenberg resigned in October, 1788, he was chosen to fill the unexpired term of the retiring official. He was relieved as Vice President upon the election of the Honourable George Ross a month later, but continued his service in the Council.

To the Assembly Concerning Certain appointments
and State lands and boundaries.

Gentlemen:

WE HAVE APPOINTED RICHARD BUTLER and John Gibson, Esquires, to carry into effect, as far as circumstances will permit, the resolution of the General Assembly of the thirteenth of September last, which authorizes Council to purchase the tract of country lying between the northern boundary of this State and Lake Erie.

Such parts of the surplus donation lands as have not been surveyed should, in the opinion of Council, be freed from the appropriation. We learn that some settlements are already forming, and others are in contemplation, on those lands, which make it necessary some steps should be taken to prevent future embarrassments to Government.

The boundary lines of the State being compleated, it will be necessary to confirm them by a law.

We transmit herewith a letter from the Board of Treasury of the United States, of the nineteenth of September last, respecting pensioners, a copy of instructions given by Council to the Commissioners appointed to treat with Indians, and a letter from Captain Heart, which merits the attention of the Legislature.

—
DAVID REDICK, V. P.

Council Chamber, Philadelphia, November 3rd, 1778.

GEORGE ROSS.
Vice President
of the
Supreme Executive Council,
1788-1790.



Chapter V.

GEORGE ROSS.

Vice President of the Supreme Executive Council,

1788-1790.

VICE PRESIDENT GEORGE ROSS WAS ELECT-
ed to the Council by the County of Lancaster in
October, 1787, and became Vice President in No-
vember, 1788, vacating the position upon his retirement
from the Council at the constitutional limit of service
in 1790.

Instructions to the Commissioners to View the Obstructions to the Navigation of the Susquehanna and Juniata Rivers.

In Council, Philadelphia, October 6th, 1789.

Gentlemen:

IN CONFORMITY TO AN ACT OF THE GENERAL Assembly of this Commonwealth, passed the twenty-eighth day of September last, entitled "An Act to appropriate the sum of five thousand pounds annually for the purposes therein mentioned." Council have appointed you to view the rivers Susquehanna and Juniata.

You will without delay, proceed to examine the said rivers, and the various streams running into them, and which are capable of being made navigable, you will carefully mark such places where in your opinion locks or canals are necessary. You will note all falls, obstructions and all matters and things necessary to form estimates, to be laid before the General Assembly, of the expences of clearing and removing such obstructions to the navigation of the said rivers. When you have compleated this business, you will make report to the Supreme Executive Council of your proceedings, together with such estimate of the probable expence that may in your opinion be necessary to carry this law into execution.

The Supreme Executive Council request you will use every exertion in your power to forward and effect this important design. An exemplified copy of the law from the Rolls office is herewith transmitted; you will be allowed seventeen shillings and six pence each per day, as a compensation for your services, subsistence and horse hire, whilst you are actually engaged.

I am Gentlemen, with great respect,

Your most obedient and very humble servant,

GEORGE ROSS, V. P.

Timothy Matlack, Reading Howell and William Dean, Commissioners for viewing the river Delaware.

John Sellers and John Adlum, Commissioners for viewing the river Schuylkill, and Samuel Boyd, Bartram Galbraith and Thomas Huling, Commissioners appointed to view the rivers Susquehanna and Juniata.

Additional Instructions to the Commission to View the Obstructions to the Navigation of the Susquehanna and Juniata Rivers.

In Council, Philadelphia, November 3rd, 1789.

Gentlemen:

YOUR INFORMATION RECEIVED BY COUNCIL since the date of our letter of instructions to you, we think it proper to give you the following directions for your immediate government, which you are most strictly to observe: You are to confine yourselves to the falls and obstructions of the river Susquehanna, from Wright's Ferry up the said river to include the head of McKee's Half Falls, and from the mouth of the river Juniata up the said river, to include the head of Aughwick Falls. Council are induced to give you these additional instructions from the necessity of having your report of the probable expence of removing the several obstructions, and improving the navigation of the said rivers between those distances, to be laid before the General Assembly in their present sessions.

I am, Gentlemen, with great respect,

Your most obedient and very humble servant,

GEORGE ROSS, V. P.

To the Commissioners appointed to view the rivers Susquehanna and Juniata.

Letters concerning the Murder of Two Friendly Indians.

In Council, Philadelphia, July 9th, 1790.

Gentlemen:

WE HAVE RECEIVED YOUR LETTER OF THE second instant, with the enclosures, respecting the barbarous murder committed on two Indians, and have issued a proclamation offering a re-

ward for apprehending and securing the offenders, that they may be brought to justice. You will receive with this copy of the proclamation, and request you will send one or more of them to the Indians, with the letter herewith enclosed. Other copies of the proclamation you will be pleased to disperse through the county, and we hope that, independent of the reward motives of justice, and a sense of the dangers to which the inhabitants of the frontier settlements may be exposed from the incursions of the Indians, if these atrocious offenders should be suffered to escape, will stimulate the good citizens of your county to pursue and bring the offenders to condign punishment.

I am, gentlemen, with great respect,

Your obedient and most humble servant,

GEORGE ROSS, V. P.

To William Wilson, Charles Smith, Jasper Ewing, and William Cook and Christian Getting, Esquires.

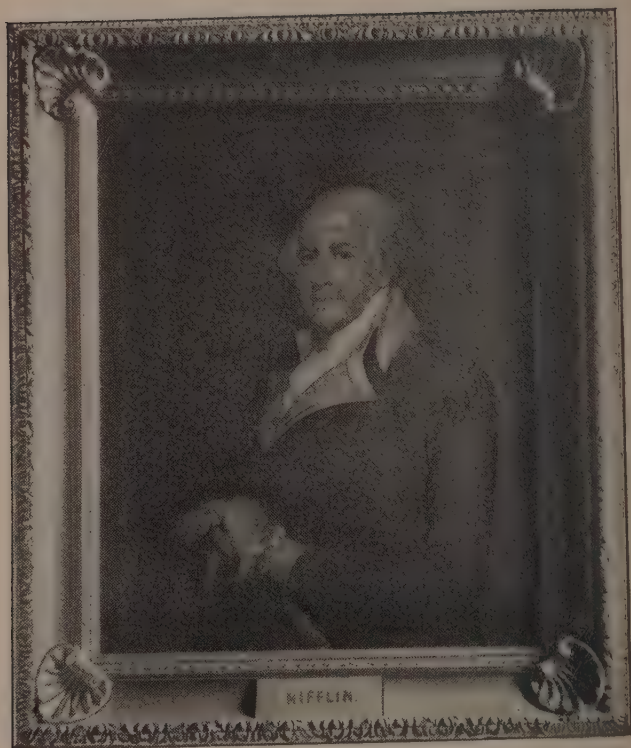
P. S. Council were not informed by your letter to what tribes those Indians who were murdered belonged, they have therefore left a blank for the address in the letter to the Indians, and request you will make enquiry and fill it up. GEORGE ROSS, V. Presid't.

In Council, Philadelphia, July 9th, 1790.

Brothers:

IT IS WITH THE UTMOST CONCERN COUNCIL have received intelligence from Northumberland county, that two of your people who came as friends into the settlement at Pine Creek, have been barbarously murdered. Upon receipt of that information a Proclamation offering a reward of eight hundred dollars for apprehending the murderers has been issued by us. You may rest assured that the government of Pennsylvania has the warmest friendship for, and the utmost sincere attachment to your people, and that we will do everything in our power to have the murderers brought to punishment, and hope that the peace and harmony between you and the good people of Pennsylvania will not be disturbed by this melancholy event.

GEORGE ROSS, Vice President,



The Middle



The Clubhouse

THOMAS MIFFLIN.
President of the Supreme
Executive Council,
1788-1790.



Chapter VI.

THOMAS MIFFLIN.

President of the Supreme Executive Council,

1788-1790.

QUAKER BY INHERITANCE, THOMAS MIFFLIN was nevertheless eminently martial by nature, and was the first aide-de-camp to General Washington. Educated for mercantile pursuits adaptation to higher duties was recognized by his election to the Assembly, an introduction to a public career which terminated only with his death. The battle of Lexington aroused in him the warmest spirit of patriotism, which he manifested not only by a series of eloquent speeches but by active participation in the military service. As Major of one of the earliest regiments and later as aid to the Commander-in-Chief, Quartermaster-General, as Brigadier General and finally again as Quartermaster-General, he acquitted himself with honor. In 1783 he was elected to Congress and as president of that body, it fell to his lot to receive the resignation of Washington from the Command of the Army; this he did in a brief address of classic diction and dignified simplicity. He was a member of the United States Constitutional Convention of 1787 and was one of the signers of the Constitution as adopted.

In 1788 he was elected a member of the Supreme Executive Council and was chosen to succeed Franklin upon his retirement from the presidency in the same year. He was president of the Convention which adopted the Constitution of 1790 and was elected the first Governor of the Commonwealth under that instrument. He held his office for three terms of three years each, the Constitutional limit and worthily upheld the dignity of his high position. He was then elected to the Assembly but did not survive his election more than a few weeks. His combined services, as President of the Council and as Governor of the Commonwealth, from November, 1788, to December, 1799, formed the longest administration in the history of the State.

To the Assembly Concerning various matters of State policy and internal improvement.

Gentlemen:

WE ARE HAPPY IN THE BELIEF THAT THE affairs of the State and the prospects of the Union, affords just foundation to address the Legislature in terms of congratulation. The principal difficulties which obstructed the adoption of the Federal Constitution, have been happily overcome—the prejudice and suspicion that are awakened by the appearance of that system, have been gradually lulled, and we can no longer doubt that all those States which have been successfully allied to obtain the independence of America, will again be united in that best means of giving strength, dignity, and stability to the national character.

Nor can it be deemed visionary or unreasonable to ascribe to the influence of the new government the liberal attention and encouragement which of late have been bestowed upon domestic arts and manufactures, the spirit of industry and economy that has spread itself through every order of society, and the perfect amity which subsists at this period amongst the inhabitants of the several States.

From the same source that has thus revived the hope of internal order and happiness, we cannot fail to derive the respect and confidence of foreign nations. For in the great intercourse of independent countries, the proper title to reciprocal advantage, is the power each enjoys of protecting its own commerce, and the disposition which each evinces to maintain its own credit. Experience has demonstrated the inconveniences of a government in which that power does not reside, and has taught us to believe that a more happy effect will naturally flow from a government differently constituted, and while the sovereignties of Europe are suffer-

ing all the calamities of an extensive war, it must yield a laudable satisfaction to every patriotic mind that we enjoy the profitable opportunity of improving the great advantages that lie before us.

Impressed with these sentiments, we are ready to declare that in every act that can promote the welfare of the Union, or the interests of this State, we shall, in the manner most beneficial to the public, most cheerfully exercise that jurisdiction which the Constitution has confided to us, and as we shall be solicitous on every occasion to concur in the designs, and to advance the intentions of the Legislature. We trust that the harmony of our proceedings will produce an additional confidence in our constituents, and a proper energy to the administration of the public affairs.

Gentlemen:—It may be necessary to make provision by law for the appointment of persons to discharge the duties of Sheriff, in cases of contested elections, in which it may not be expedient for the Executive immediately to decide, and in which the former Sheriff, who have been in office three years, cannot constitutionally act.

The tax laws should, in our opinion, be revised. The assessments of the public taxes are in many instances unequal, and their collection generally expensive, uncertain, and dilatory.

The following reservations should, in the opinion of Council, be made for the Commonwealth, vizt:

First. Presque Isle, formed by Lake Erie. Second. Le Beuf, at the head of the navigation of French creek; and Third. The lands adjacent to the mouth of Conewango, in the county of Allegany.

The Commissioners appointed by virtue of the act intituled "An Act to appropriate the sum of two thousand pounds of the public monies to the laying out and making of an highway from the western parts of Cumberland county to the town of Pittsburgh, and to au-

thorize the President in Council to appoint Commissioners to lay out of the same, have laid out the said road, which road we have confirmed as far as the town of Bedford. We think a review of that part which lies westward of the town of Bedford absolutely necessary, but as the money appropriated for the laying out and completing the said road is nearly expended, we cannot proceed in the review without further directions and aid of the Legislature.

We suggest to the Legislature the propriety of directing engravings of the boundary lines of the State, and the publication of the reports of the several Commissioners who completed those lines.

We have not observed in the printed Journals of the late House that any order hath been taken on the recommendation of Congress with respect to convicts imported into the States from British dominions, which recommendation was laid before that House by Council.

We transmit herewith two letters from the Secretary of Congress, of the twenty-eighth of July, 1785, and twenty-second of October, 1788, in which Council are requested to supply him with thirteen copies of the laws of the Commonwealth. This cannot be done, unless a number are printed for the purpose. We also transmit a letter from the same, dated the seventh of November, 1788, inclosing Journals of Congress from the twentieth of August to the end of the Federal year. A letter from the Delegates of this State in the Congress of the United States, on the subject of a resolution of the fourth of October last, also accompanies this message.

Colonel Febiger's representation on some attempts to avoid payments of duties on merchandize sold by auction, is submitted to the General Assembly.

THOMAS MIFFLIN, President.

Council Chamber, Philadelphia, November 12th, 1788.

To the Assembly inquiring if any Fund has been Provided for the Purchase of the Lake Erie Tract from the Indians.

In Council, Philadelphia, November 22nd, 1788.

Sir:

I HAVE THE HONOR TO TRANSMIT TO YOU A letter which Council received this morning, dated Fort Harwar, November the third, 1788, from John Gibson and Richard Butler, Esquires, commissioners for purchasing of the Indians the tract of country lying on Lake Erie, and lately ceded to this State by the United States, together with a list of goods immediately wanted for that purpose.

Council wish to be informed if any fund hath been provided by the Legislature for the payment of such orders as they may think proper to draw on the State Treasurer for the purpose of making the purchase from the Indians, of the tract above mentioned, and in conformity with the resolve of the General Assembly of the thirteenth of September, 1788.

I have the honor to be, with great respect, Sir,

Your most obedient and very humble servant,

THOMAS MIFFLIN, President.

Honorable Richard Peters, Esquire, [Speaker].

Proclamation concerning the Elections for representatives of the State in Congress.

Pennsylvania, ss:

BY THE SUPREME EXECUTIVE COUNCIL OF
the Commonwealth of Pennsylvania.

A PROCLAMATION.



Whereas, Pursuant to an act of the General Assembly of the said Commonwealth, passed on the fourth day of October last, intituled "An act directing the time, places and manner of holding elections for Representatives of this State in the Congress of the United States, &c." Election for such representatives were held on the last Wednesday in November last, in the city of Philadelphia, and in the several counties of this State, and the returns of the said several elections, having been transmitted by the Sheriff's of the said city and counties respectively to the Secretary of this Council. Now We the Supreme Executive Council of the said Commonwealth, having agreeably to the directions of the said act inspected and examined the said returns, and enumerated and ascertained the number of votes for each and every candidate, do hereby make known and declare that Frederick Augustus Muhlenberg, Henry Wynkoop, Thomas Hartly, George Clymer, Thomas Fitzimmons, Thomas Scott, Peter Muhlenberg and Daniel Heister are according to the said returns, highest in votes of the electors throughout this State, and in consequence are duly elected and chosen as representatives of and for this State in the Congress of the United States.

Given in Council under the hand of his Excellency Thomas Mifflin, Esquire, President, and the seal of the State at Philadelphia, this fifth day of January, in the

year of our Lord one thousand seven hundred and eighty-nine.

THOMAS MIFFLIN.

Attest—Charles Biddle, Sec'ry.

Proclamation making known the electors chosen to represent the State in the National Election.

Pennsylvania, ss:

BY THE PRESIDENT AND SUPREME EXECUTIVE Council of the Commonwealth of Pennsylvania.

A PROCLAMATION.



Whereas, Pursuant to an act of the General Assembly of the said Commonwealth, passed on the fourth day of October last, entitled "An act directing the time, places, and manner of holding elections of Representatives of this State in the Congress of the United States, and for appointing Electors on the part of this State for choosing a President and Vice President of the United States," elections for such Electors were held on Wednesday, the seventh day of January last, in the city of Philadelphia, and in the several counties of this State:

And whereas, It appears from the returns transmitted to the Secretary of this Council, that Edward Hand, George Gibson, John Arndt, Collinson Read, Lawrence Keene, James Wilson, James O'Hara, David Grier, Samuel Potts, and Alexander Graydon, are highest in votes as Electors aforesaid: Now, we, the Supreme Executive Council of the said Commonwealth, do hereby make known and declare that Edward Hand, George

Gibson, John Arndt, Collinson Read, Lawrence Keene, James Wilson, James O'Hara, David Grier, Samuel Potts, and Alexander Graydon, are, according to the said returns, highest in votes, and in consequence are duly elected and chosen as Electors of & for this State for choosing a President and Vice President of the United States.

Given in Council, under the hand of his Excellency Thomas Mifflin, Esquire, President, and the Seal of the State, at Philadelphia, this third day of February in the year of our Lord, one thousand seven hundred and eighty-nine, and of the Commonwealth the thirteenth.

THOMAS MIFFLIN, President.

Attest—Charles Biddle, Sec'ry.

To the Assembly Concerning various matters of State policy and internal improvement.

Gentlemen:

IN PURSUANCE OF THE ACT OF ASSEMBLY passed the fourth day of October last, Frederick Augustus Muhlenberg, Henry Wynkoop, Thomas Hartley, George Clymer, Thomas Fitzsimmons, Thomas Scott, Peter Muhlenberg, and Daniel Hiester, have been duly elected to represent this State in the Congress of the United States, and Edward Hand, George Gibson, John Arndt, Collinson Read, Lawrence Keene, James Wilson, James O'Hara, David Grier, Samuel Potts and Alexander Graydon, have been duly chosen as electors in behalf of this State to ballot for a President and Vice President of the United States.

No specific fund has been assigned by law for payment of the allowances granted to disabled pensioners. The Treasurer has hitherto satisfied such claims out

of the unappropriated funds of the State, but the immediate charges against those funds have of late so greatly accumulated, that it is found improper to continue the additional payments to the pensioners, more especially as a diminution of the said funds will necessarily be produced by the operation of the new government. If, therefore, it is intended that the allowances to the corps of Invalids and to other pensioners of the State shall be continued, it will be necessary to make provision by law for those purposes. .

The difficulties which frequently occur from the present confused state of our laws, render in our opinion a revision and arrangement of the acts of General Assembly highly proper.

Alterations are often made by acts whose titles bear no relation to the act which is altered; some acts have become obsolete from the change or cessation of their objects, and many have expired by their own limitations, while the constant multiplication of supplements has greatly increased the size and perplexity of our code of laws. We are, therefore, of opinion that the appointment of a person of competent legal talents to digest and arrange them into a regular and concise system will be of great utility.

We are informed that many industrious inhabitants who are conscientiously opposed to the test law, and who consider it as creating an invidious and improper distinction between citizen and citizen, have left the State, and that many others of the same opinion are preparing to follow them. While our neighbours are giving every encouragement to settlers within their boundaries. The Legislature of Pennsylvania will no doubt endeavour to remove causes of uneasiness on the part of her citizens so far at least as is consistent with the security and reputation of the State.

As the act of Assembly entituled "An Act for facilitating the redemption of the bills of credit emitted

in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of the State by the speedy collection of the arrearages due for unpatented lands which were located before the declaration of Independency," will expire on the tenth day of April next. We recommend the extension of that law in the present session, and submit to the consideration of the General Assembly the expediency of limiting the time for receiving in the Land Office, certificates which have not been given for original debts of this State.

The improvement of the public roads being under the consideration of the General Assembly, the late purchase of land on the south side of Lake Erie will naturally call their attention to that quarter.

A communication between Presque Isle,(which is included in that purchase,) and the city of Philadelphia will, in our opinion, prove of the greatest utility to the public.

That communication may be best effected by joining the heads of the West Branch of Susquehanna with the sources of the Allegany river, between which it is said there is a short portage; the most convenient portage from the Susquehanna to the Schuylkill has been thought by persons of credit and information, to be between the Sweetara and Tulpehocken.

We are informed that the river Delaware at a very moderate expence may be made navigable to the northern extremity of Pennsylvania, by which means an extensive country, at this time containing many valuable settlements and hitherto of little use to the State, will be brought to communicate with the capital, and afford a considerable supply of those articles which form the principal staples of Pennsylvania.

Several petitions for the continuation of the Frankstown road to Philadelphia by the way of Sunbury and Reading, are herewith transmitted. Many respectable

citizens wish for a continuation of the same road by Huntington and down Juniata; Council are of opinion that the roads proposed would be beneficial to the public.

The navigation of the Lehigh and the roads leading from thence to Nescopeck and Wyoming, on the East Branch of Susquehanna, are also objects of considerable consequences to the trade of the State.

A letter from his Excellency Beverly Randolph, Esquire, inclosing a letter from the Speakers of the Senate and General Assembly of the State of Virginia, with a copy of the application agreed to by the General Assembly, to be made to the Congress of the United States.

A letter from Henry Knox, Esquire, Secretary of War, with the act of Congress of the twelfth of August last, to which it refers. The petition of Ebenezer Frothingham, in behalf of himself and other officers. A representation from the Auctioneers of the city and liberties of Philadelphia, relative to a diminution of a branch of the public revenue. The report of a Committee of Council appointed to visit the jail of the city and county of Philadelphia. A letter from Thomas Scott, Esquire, lately elected a representative of this State in the Congress of the United States, containing his resignation. And the Comptroller General's report of the annual expences of the corps of Invalids, exclusive of their pensions, with an estimate of the expence of performing the services required of that corps by watchmen, under the direction of the City Wardens, are herewith transmitted.

THOMAS MIFFLIN.

Council Chamber,
Philadelphia, February 6th, 1789.

To the Speaker of the Assembly Concerning a Militia Escort to the President of the United States in Passing through the State.

In Council, Philadelphia, March 13th, 1789.

Sir:

I HAVE THE HONOR OF ENCLOSING TO YOU an estimate of the expences of an escort of militia which Council wish may be provided for his Excellency the President of the United States through this State. They hope that the Honorable the General Assembly will concur with them in opinion, that the escort proposed will be highly proper, and that it will be necessary to appropriate by law the sum of one hundred and ninety-nine pounds seven shillings and six pence specie, for that purpose.

I have the honor to be, with great respect, your most obedient and very humble servant,

THOMAS MIFFLIN, Pre't.

Honorable Richard Peters, Esquire, Speaker of the General Assembly.

To the Speaker of the Assembly transmitting the Report of the Commissioners on the Purchase of the Lake Erie Tract from the Indians.

In Council, Philadelphia, March 24th, 1789.

Sir:

I HAVE THE HONOR TO TRANSMIT TO YOU FOR the information of the Legislature, the report of the Commissioners appointed by Council to negotiate and compleat the purchase of the triangular piece of land lying between the western line of New York, the northern line of Pennsylvania, and part of Lake Erie from the Indians.

General Butler's letter recommending the grant of one thousand or fifteen hundred acres of land to the Cornplanter, a Seneca Chief, is also transmitted.

I have the honor to be, sir with great respect,

Your most obedient and very humble servant,

THOMAS MIFFLIN, Pres't.

Hon'ble Richard Peters, Esquire, Speaker of the General Assembly.

An Address of Congratulation from the Council to the President of the United States, General George Washington.

Sir:

THE PRESIDENT AND SUPREME EXECUTIVE Council of Pennsylvania cheerfully embrace this interesting occasion to congratulate you upon the establishment of the Federal Constitution, and to felicitate ourselves and our country upon your unanimous appointment to the Presidency of the United States.

In reflecting upon the vicissitudes of the late war, in tracing its difficulties and in contemplating its success, we are uniformly impressed with the extent and magnitude of the services which you have rendered to your country, and by that impression we are taught to expect that the exercise of the same virtues and abilities which have been thus happily employed in obtaining the prize of Liberty and Independence, must be effectually instrumental in securing to your fellow citizens and their posterity the permanent blessings of a free and efficient government. And although the history of the Revolution will furnish the best evidence of the invariable attachment of this Commonwealth to the interests and honor of the Union, yet we cannot re-

sist this favorable opportunity of personally assuring you that in every measure which tends to advance the national character, you may rely on the zealous co-operation of the executive authority of Pennsylvania.

In discharging the duties of your present important station it must, sir, be a never-failing source of consolation and support, that the unbounded love and confidence of the people will produce a favorable construction of all your actions, and will contribute to the harmony and success of your administration. For we know that eventually your happiness must depend upon the happiness of your country, and we believe that in wishing an adequate execution of your intentions and designs we comprehend all that is necessary to both.

Uniting with our sister States in the admiration of those motives which at this interesting area of our affairs have induced you again to relinquish the enjoyment of domestic peace, for a conspicuous and laborious participation in the cares and toils of public life, we fervently pray for the preservation of your health, and we confidently hope that the consummation of a patriot's wishes—the glory and felicity of your country will crown the period of a longer and illustrious existence, and prepare you for an everlasting reward.*

THOMAS MIFFLIN, President.

Council Chamber, Philadelphia, April 18th, 1789.

REPLY TO THE CONGRATULATORY ADDRESS TO GENERAL WASHINGTON.

To the President and Supreme Executive Council of Pennsylvania.

Gentlemen:

I receive with great satisfaction the affectionate congratulation of the President and Supreme Executive Council of Pennsylvania, on my appointment to the Presidency of the United States.

If under favor of the Divine Providence, and with the assistance of my fellow citizens, it was my fortune to have been in any degree instrumental in vindicating the liberty and confirming the independence of my country, I now find a full compensation for my services, in a belief that these blessings will be permanently secured by the establishment of a free and efficient government, and you will permit me to say on this occasion, that as nothing could add to the evidence I have formerly received of the invariable attachment of your Commonwealth to the interests and honor of the Union; so nothing could have been more agreeable to me at this time,

Instructions to the Comptroller General.

Sir:

TO FACILITATE THE EXCHANGE OF CERTIFICATES agreeably to Act of General Assembly of the twenty-seventh day of March last, Council have judged it proper to give you the following instructions, vizt:

1st. Every person who in conformity with the said act shall present to you a new loan certificate, may at his option receive from you the Continental certificate or certificates for which the new loan certificate was granted, or receive a like sum of principal in certificates of debts of the United States which have been paid into the Land office.

2nd. Where new loan certificates have been cancelled and several certificates have been by you given for the amount thereof to enable the party to make payment to the Land office, &c., and where one or more of the latter shall be presented as part or parts of such new loan certificate, the person presenting the same may in lieu thereof receive so many of the original Continental certificates as shall be equal to or nearest, and under the amount of the new loan certificates so presented.

3rd. In those instances in which it may be impracticable for you to make the exact amount of a new loan

than the assurances you have given me of the zealous co-operation of its Executive authority, in facilitating the accomplishment of the great object which are committed to my charge.

While I feel my sensibility strongly excited by the expressions of affection and promises of support, which I every where meet with from my countrymen, I entertain a consolatory hope that the purity of my intentions and the perseverance of my endeavours to promote the happiness of my country, will atone for any of the slighter defects which may be discovered in my administration. For whatever may be the issue of our public measures, or however I may err in opinion, I trust it will be believed that I could not have been actuated by any interests separate from those of my country.

Suffer me, gentlemen, to conclude by assuring you that I am well pleased with the Justice you have done to the motives from which I have acted, and by thanking you for the tender concern you have been pleased to manifest for my personal felicity.

GEORGE WASHINGTON.

certificate or certificates with Continental certificates, you will issue a new certificate or certificates bearing similar interests for the ballance or ballances.

4th. In a sett of books to be prepared for the purpose, you will keep exact and fair accounts of all certificates you may receive, deliver or issue with their numbers, principal sums and dates of interest.

5th. That the ballance of interest to be received or paid by the State according to Act of Assembly, may be ascertained, you will calculate the arrears of interest which may be due on all new loan certificates you may receive, as well as on all Continental certificates you may deliver.

6th. You will receive indents or facilities for all ballances of interest as may be due to the State, and out of the indents or facilities you have received or may obtain from the United States upon the Continental certificates in your possession, you will pay such ballances of interests as may be due from the State.

7th. You will keep exact accounts of all indents so received or paid in books prepared for the purpose.

8th. If you consider it necessary to your own security or to the regularity of your proceedings in the premises, you will demand receipts from all persons to whom you may deliver certificates or indents as well as require vouchers of the certificates or indents which may be delivered or paid to you.

9th. On the first Wednesday in every month you will produce to Council for their inspection, the books in which your transactions relative to the exchange of certificates, according to Act of General Assembly of the twenty-seventh day of March, 1789, are contained.

10th. If any difficulty or obstruction should occur in the execution of the duties required of you by the act above mentioned of the twenty-seventh of March last,

by the foregoing instructions you will represent the same to Council that such difficulty or obstruction if possible may be obviated or removed.

You will have the foregoing instructions sett up in your office for the information of all persons concerned.

THOMAS MIFFLIN.

Proclamation making known the provisions of the Constitution governing the administering of the oath to State officers.

Pennsylvania, ss:

BY THE PRESIDENT AND SUPREME EXECUTIVE Council of the Commonwealth of Pennsylvania:

A PROCLAMATION.



Whereas, The Constitution of the United States provides that the members of the several State Legislatures and all Executive and Judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support the said Con-

stitution:

And Whereas, By an act of the said United States, passed on the first day of June now last past, it is provided that the oath or affirmation required by the sixth article of the said Constitution shall be administered in the form following, to wit: I, A B, do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States:

And whereas, It is in and by the said act also directed and required, " that the members of the several State Legislatures, at the next sessions of the said Legislatures, respectively, and all Executive and Judicial officers of the several States who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before, which may be administered by any person authorized by the law of the State in which such office shall be holden to administer oaths; and the members of the several State Legislatures and all Executive and Judicial officers of the several States who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons who, by the law of the State, shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a record or certificate thereof to be made, in the same manner as by the law of the State he or they shall be directed to record or certify the oath of office, which said act has been transmitted to Council, in order that the same may be duly made known and promulgated within this Commonwealth:

And whereas, For the convenience of those whom it may concern, and that they may have knowledge thereof, Council hath caused copies of the said act to be transmitted to the Prothonotarys of the several Court of Common Pleas within this State, with directions to make the same known within their respective counties. We have therefore thought proper to issue this proclamation, in order that no one may pretend ignorance of

the premisses, and that all persons whom it may concern may have knowledge thereof and govern themselves conformably to the said Constitution and recited act.

Given in Council, under the hand of his Excellency Thomas Mifflin, Esquire, President, and the Seal of the State, at Philadelphia, this twenty-third day of July in the year of our Lord, one thousand seven hundred and eighty-nine, and of the Commonwealth the fourteenth.

THOMAS MIFFLIN.

Attest—Charles Biddle, Sec'ry.

To the Assembly Concerning various matters of State policy and internal improvement.

Gentlemen:

WE HEREWITH TRANSMIT LETTERS FROM His Excellency the President of the United States, of the eighth of June, ninth, twenty-third and thirtieth of July, and of the fourth, tenth and eleventh of August, 1789, with their enclosures, vizt:

1st. An Act to regulate the time and manner of administering certain , passed the first day of June.

2nd. An Act for laying a duty on certain goods, wares and merchandizes imported into the United States, passed the fourth of July.

3rd. An Act imposing duties on tonnage, passed the twentieth of July.

4th. An Act for establishing an Executive department, to be denominated the department of Foreign Affairs, passed the twenty-seventh of July.

5th. An Act to regulate the collection of the duties

imposed by law on the tonnage of ships or vessels, and on goods, wares and merchandizes imported into the United States, passed the thirty-first day of July.

6th. An Act for settling the accounts between the United States and individual States, passed the fifth of August.

7th. An Act to provide for the government of the Territory north-west of the river Ohio, passed the seventh of August.

8th. An Act for the establishing and support of light houses, beacons, buoys and public piers, passed the seventh of August; and

9th. An Act to establish an Executive department, to be denominated the department of war, passed the seventh of August.

We likewise transmit a letter from His Excellency Governor Clinton, of the fifth of May last, with a resolution of the Senate and Assembly of New York of the fifth of February, on the subject of amendments to the Constitution of the United States.

The purchase of the Lake Erie tract of country from the Indians hath necessarily exceeded the estimate of Council, and the sums appropriated by Act of Assembly. That excess has arisen principally from the length of time the Commissioners were obliged to wait for the Indians. We recommend to the General Assembly to provide by law for the payment of the money which remains due on that purchase, and for the expence of one hundred and thirteen pounds and six pence, incurred by Council in receiving His Excellency the President of the United States in this city, on the seventeenth day of April next.

The accounts of the purchase of the Lake Erie tract, and of the expence of receiving His Excellency the President of the United States, accompany this message.

Council have not had it in their power to procure a lot proper for a powder magazine out of the city limits, as the resolve of Assembly directs. Several city lots near the River Schuylkill, and sufficiently remote from the buildings of the town may be purchased at reasonable prices.

The principal part of the money intended to have been raised by Lottery, and directed by Act of Assembly to be applied to the repairing of that part of the Lancaster road called Jones's lane, and towards improving the navigation of the River Schuylkill, hath been reported to Council by the managers to be outstanding. By the Act of the fifteenth day of March, 1784, the managers were instructed to lay before the comptroller General from time to time when thereunto required, a true state of the Lottery, and when the drawing of the same should be compleated, and the prizes and incidental charges paid to render their accounts to the Committee of Accounts of Assembly for final settlement. A general statement of the product of the Lottery and of the money which remains to be collected is sent herewith.

Annuities to the widows and children of deceased officers of the Army, Flying Camp, State Regiments and State Navy, have heretofore been paid by virtue of the Act of Assembly dated the first day of March, 1780, out of any monies in the hands of County Treasurers, upon orders drawn by the Orphans' Courts of the respective counties. But all public monies being by subsequent acts appropriated to other purposes, there remains no provision for the payment of those annuities which amount to eighteen hundred and fifty pounds.

The expence of repairing the banks of Mud island since the first day of March last, according to the Comptroller General's report to Council, hath been four hundred and fifty-seven pounds ten shillings.

The exportation of Pot Ashes from the port of Philadelphia merits the attention of the General Assembly. We are of opinion the pot and pearl ashes should be made subject by law to inspection.

The Act of Assembly intituled An Act for allowing a further time to distribute the donation lands promised to the troops of this Commonwealth, will expire on the thirteenth day of September next.

We lay before the General Assembly a copy of the instructions of Council to the Comptroller General, relative to the exchange of certificates.

A representation from the Wardens of the port of Philadelphia, and a letter from John Dunlap, the purchaser of certain public lots in Southwark, whose case we recommend to the Legislature.

THOMAS MIFFLIN, Pres't.

Council Chamber, Philad'a, August 25th, 1789.

Proclamation of a Day of Thanksgiving,—1789.

Pennsylvania, ss:

BY THE PRESIDENT AND THE SUPREME EXECUTIVE COUNCIL of the Commonwealth of Pennsylvania.

A PROCLAMATION.



Whereas, The President of the United States hath transmitted to this Council, this Proclamation for a day of public thanksgiving and prayer, requesting that the same might be published and made known in this State in the following words, vizt:

By the President of the United States of America.

A PROCLAMATION.

Whereas, It is the duty of all nations to acknowledge the Providence of Almighty God, to obey his will, to be

gratefull for his benefits, and humbly to implore his protection and favor:

And whereas, Both Houses of Congress have by their joint committee, requested me "to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with gratefull hearts, the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness."

Now therefore, I do recommend and assign Thursday, the twenty-sixth day of November next, to be devoted by the people of these States to the service of that great and glorious being, who is the beneficent author of all the good that was, that is, or that will be. That we may then all unite in rendering unto him our sincere and humble thanks for his kind care and protection of the people of this country, previous to their becoming a nation; for the signal and manifold mercies, and the favorable interposition of his Providence in the course and conclusion of the late war; for the great degree of tranquility, union and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly, the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing usefull knowledge, and in general, for all the great and various favors which he hath been pleased to confer upon us.

And also, that we may then unite in most humbly offering our prayers and supplications to the Great Lord and Ruler of nations, and beseech him to pardon our national and other transgressions, to enable us all, whether in public or in private stations, to perform our

several and relative duties properly and punctually: to render our National Government a blessing to all the people by constantly being a government of wise, just and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations, (especially such as have shewn kindness unto us,) and to bless them with good government, peace and concord; to promote the knowledge and practice of true religion and virtue, and the encrease of science among them and us; and generally to grant unto all mankind such a degree of temporal prosperity as he alone knows to be best.

Given under my hand at the city of New York, the third day of October, in the year of our Lord, one thousand seven hundred and eighty-nine.

George Washington.

Now, we, the President and Supreme Executive Council aforesaid, do recommend the said Thursday, the twenty-sixth day of November next, to be set apart and observed throughout this State as a day of public thanksgiving and prayer, for the good and pious purposes expressed in the said Proclamation.

Given in Council under the hand of His Excellency Thomas Mifflin, Esquire, President, and the seal of the State, at Philadelphia, this thirtieth day of October, in the year of our Lord, one thousand seven hundred and eighty-nine, and of the Commonwealth the fourteenth.

THOMAS MIFFLIN.

Attest:—Charles Biddle, Sec'ry.

To the Assembly Concerning various Matters of State policy and internal improvement.

Gentlemen:

WE HEREWITH TRANSMIT LETTERS FROM his Excellency the President of the United States, of the second and third days of October, 1789, with several acts and resolves of the Congress of the United States, which have been received since the last adjournment of the Legislature, vizt:

An Act to establish the Judicial Courts of the United States.

An Act to regulate the process in the Courts of the United States.

An Act to explain and amend an act for registering and clearing vessels, regulating the coasting trade, and for other purposes.

An Act to recognize and adopt to the Constitution of the United States, the establishment of troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned.

An Act providing for the payment of the Invalid pensioners of the United States.

An Act making appropriations for the present year.

An Act to allow the Baron de Glauback the pay of Captain in the army of the United States.

An act to alter the time for the next meeting of Congress, and a resolution for continuing John White, and Joshua Dawson in office untill the fourth day of February, 1790; also a letter from Alexander Hamilton, Esquire, Secretary of the Treasury of the United States, dated September the twenty-sixth, 1789, inclosing two resolutions of the House of Representatives of the United States, dated the twenty-first of the some month, respecting the public debts.

A copy of the amendments proposed to be added to the Constitution of the United States.

Two letters from Henry Knox, Esquire, Secretary at War, of the sixth and nineteenth of October, 1789, inclosing an extract of an act of Congress, dated the twenty-ninth day of September, which authorizes the President of the United States to call into service from time to time, such parts of the militia as he may judge necessary for the protection of the inhabitants of the frontiers of the United States, from the hostile incursions of the Indians, and requesting a list of persons entitled to pensions by the laws of this State.

Copies of the Journals of the first sessions of the Senate and of the House of Representatives of the United States, also accompanying this message.

By several resolves of the General Assembly, in the year 1775 and 1776, and by act of the twentieth of March, 1777, four hundred thousand pounds were emitted in bills of credit, of which there remained unredeemed by the last report of the Comptroller General, two hundred and twenty-five thousand six hundred and ninety-nine pounds. The holders of such bills are entitled to receive in lieu thereof bills of credit of April, 1781, at the rate of one hundred and seventy-five for one; we are of opinion that a day should be fixed for the final redemption of those bills.

By an act of Assembly of the first day of June, 1780, Council were authorized to appoint agents in the several counties of this State to purchase horses and provisions for the army of the United States, for which articles, certificates bearing an interest of six per cent., were given by the agents; of those certificates there remain unpaid to the amount of four thousand pounds in paper bills of 1781, we recommend to the General Assembly to limit the time for the exchange of all such certificates.

A law should be passed to prevent the receipt of certificates of the United States in the Land office.

The act of Assembly of the eighth day of April, 1785, which established the salaries of the officers of the land office, and required them to account on oath, for all fees received in their respective offices, expired on the first day of May last. That law we are of opinion should be revived.

We submit to the Legislature the propriety of a revision of all laws of this State, which interfere with the acts or resolves of the Congress of the United States.

The laws relative to the health office are imperfect. The introduction of infectious diseases into the State is not sufficiently guarded against, nor is the allowance to the officer adequate to the appointment. This subject we recommend to the early attention of the General Assembly.

We recall the attention of the House to the claims of the widows and children of deceased officers of the Pennsylvania line, Flying Camp, State Regiments and State Navy. Orphans' Courts continue to draw orders for the payment of pensions, in conformity with the act of Assembly of the first day of March, 1780, although the funds out of which payment of pen. heretofore been made, have by subsequent acts been appropriated to other purposes.

A limitation of the time for bringing suits against the sureties of Sheriffs, and of the time for exhibiting claims against the State, for supplies and personal services during the late war, we are of opinion will be of public utility.

THOMAS MIFFLIN.

Council Chamber, Philad'a, Novem'r 3rd, 1789.

Letters of instructions to the State Treasurer.

In Council, Philad'a, Monday, Decemb'r 21st, 1789.

Sir:

IN CONSEQUENCE OF YOUR LETTER OF THE nineteenth instant, stating that many difficulties have occurred in your department of State Treasurer, and requesting the instructions of Council thereon, Council recommend to you—

1st. To prevent as much as may be in your power all officers of the State Revenue from receiving in their respective offices in payment of customs, taxes, excise or other public dues, any warrant, order or receipt, whether such warrant or order hath been originally drawn upon you as State Treasurer, or upon your predecessor in office.

2nd. To make no endorsement of interest upon any State or other public certificate, warrant or order, nor to give any receipt for the same unless the interest shall have been paid thereon by yourself or by your direction.

3rd. In the payment of interest due on public securities you will no doubt observe the strictest impartiality, and of consequence will not in any instance allow persons who may be indebted to the State to discharge such debts by means of interest due on certificates of the State in their possession, so as to give them a preference in the payment of their interest.

I am, Sir, your most obedient and most humble servant,

THOMAS MIFFLIN.

Christian Febiger, Esquire, State Treasurer.

To the Assembly Concerning various matters of State policy and internal improvement.

Gentlemen:

CONFORMABLY TO THE ACT OF GENERAL Assembly passed on the twenty-eighth of September, 1789, authorizing the Supreme Executive Council to appoint Commissioners for viewing the navigable waters in this State, we instructed Timothy Matlack, Reading Howell, and William Dean, to view the river Delaware; Benjamin Rittenhouse and John Adlum, to view the river Schuylkill; and Bartram Galbraith, Samuel Boyd, and Thomas Hulings, to view the river Susquehanna.

The Commissioners appointed to view the river Delaware, have compleated the task assigned to them; those who were appointed to view the river Schuylkill, have examined that river from the Great Fall five miles above this city to the town of Hamburgh, twenty-three miles higher than the town of Reading, and have extended their examination to the Tulpehocken, and the strait between the head waters of that stream and the Quittapahilla, which communicates with the Susquehanna. That part of the Schuylkill, however, which flows above the town of Hamburgh, has not yet been explored by the Commissioners.

The Commissioners appointed to view the river Susquehanna, have examined that river from Wright's Ferry to its confluence with the Juniata, and have viewed the Juniata from its mouth to Piper's run, but they have not compleated their report.

The reports of the Delaware and Schuylkill Commissioners, and the drafts and surveys to which the reports refer, we have sent herewith.

The security of the public records against fire and other casualties requires in our opinion the attention of the legislature. The books and documents belong-

ing to the Master of the Rolls, the Comptroller General, the Register General, the Trustees of the Loan office, the Receiver General, the Secretary of the Land office and to the Secretary of the Supreme Executive Council, are deposited in different rooms in the State house, while those which appertain to the offices of the Surveyor General, the Prothonotary of the Supreme Court, and the Register of Wills for the city and county of Philadelphia, are for want of room in the public buildings necessarily kept in the private dwellings of the respective officers.

Besides the great danger attending this latter circumstance, it is no inconsiderable inconvenience that the books and papers of public officers, not only upon the change of the officers, but whenever those officers change their houses should be removed to different and distant parts of the city. We therefore suggest that the erecting of a building as a repository for all public records, and in which the several officers who we have mentioned, may be accommodated for the transaction of their respective duties will be a matter of public utility.

We transmit herewith a memorial from Reading Howell, who is preparing a map of Pennsylvania, and applies for permission to delineate the North boundary line under the authority of the State. As we believe the engraving this line in Mr. Howell's map will completely answer the design of the act entitled an Act to establish and confirm the boundary line between this State and the State of New York, passed the twenty-ninth of September, 1789, without occasioning any expence to the public, we are of opinion it will be proper to comply with his request.

The act of Assembly entitled an act for enlarging the time limited by the act entitled an act for facilitating the redemption of the bills of credit, emitted

in the year of our Lord one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this State, for extending the time for patenting lands which were located before the declaration of independancy, and for giving a right of preemption to actual settlers, for procuring warrants for lands by them occupied, passed the twenty-first day of March, 1789, will expire by its own limitation, on the tenth day of April next. As the objects of this law are not accomplished, we recommend its continuance to the consideration of the legislature.

John Byard, Esquire, who was one of the trustees appointed by the General Assembly for that part of the Province Island, which belongs to the State has removed into New Jersey, and Robert Knox, Esquire, another trustee is dead. It may therefore be proper to appoint other persons in the room of those gentlemen.

THOMAS MIFFLIN.

Council Chamber, Philad'a, February 9th, 1790.

Proclamation of reward for the apprehension of suspected incendiaries of the factory of the subscribers to the Manufacturing fund.

Pennsylvania, ss:

BY THE PRESIDENT AND SUPREME EXECUTIVE Council of the Commonwealth of Pennsylvania.

A PROCLAMATION.



Whereas, By the affidavit of John Anderson, taken according to law, it appears that a threatening letter was on the night of the eleventh instant, put under the door of Francis Bailey, directed to John Taylor, one of the persons who had contracted with the subscribers to the Manufacturing fund in Philadelphia, to carry on the business of the factory.

And whereas, There is great reason to believe that the fire by which the buildings occupied as the factory, as aforesaid, were consumed, on the night of the twenty-fourth ultimo, was occasioned by some villian or villians:

And whereas, As it is of the utmost importance that the perpetrators of such atrocious crimes should be brought to condign punishment: We have, therefore, thought proper to offer, and do hereby offer, a reward of One Hundred Dollars for discovering the author or authors of the said letter, and also a reward of Three hundred Dollars for discovering the person or persons who wilfully and maliciously set fire to the said factory, to be paid on conviction for the same; and over and above the said reward, we do hereby promise a free and full pardon to any one of the persons concerned in the said letter or setting fire to the factory, their aiders, abettors and comforters, who shall discover, apprehend and secure any other or others of the said offenders, so that he or they shall be convicted as aforesaid: And we do hereby charge and require all Judges, Justices, Sheriffs and Constables, to make diligent search and enquiry after, and to use their utmost endeavors to apprehend and secure the said offenders, their aiders, abettors and comforters, and every of them, so that they may be dealt with according to law. Given in Council under the hand of His Excellency Thomas Mifflin, Esquire, President, and the seal of the State, at Philadelphia, this thirteenth day of April, in the year of our Lord, one thousand seven hundred and ninety, and of the Commonwealth the fourteenth.

THOMAS MIFFLIN.

Attest:—Charles Biddle, Secretary.

Instructions to the Commissioners appointed to view
the Western waters.

In Council, Philadelphia, April 16th, 1790.

Gentlemen:

COUNCIL HAVING, IN PURSUANCE OF THE enclosed resolution of the General Assembly of the thirty first day of March last, appointed you Commissioners for the purposes expressed in the first part of the said resolution, you will without delay proceed to the head of the Quittapahilla, and from thence to the Swatara, and down the Swatara to the Susquehanna, then passing over that part of the Susquehanna which has been already examined by the Commissioners appointed on the second of October, 1789, you will proceed to the mouth of the Juniata, where you are to recommence the examination proposed, and proceed up the Susquehanna to Sunbury, and thence up the West Branch to Cinnamahoning, and up the same to the Cance Place, (so called,) or such place on the main Branch or the West Branch of Cinnamahoning, as will connect most easily with any practical branch of the Allegany, the Consua, Toby's creek, or any other which may discharge itself into the Allegany nearest the mouth of French creek; and thence examine French creek, up to Le Boeuff and the Portage to Presque Isle. You will also examine and explore any nearer and more convenient communication which may be effected by land or water with Lake Erie. You will then return down the Allegheny, and examine the same from the mouth of French creek to the Kiskemanetas, and up the Kiskemanetas to the Conemaugh, and up the Conemaugh to its forks with Stony creek, and from the same by the nearest branches which be improved by Canal or lock navigation, to the shortest portage, which may be found to the Frankstown Branch of Juniata river, at or near

the mouth of Poplar run, where Patrick Cassady now lives, and down the Frankstown Branch of Juniata to the head of Water Street, where the Commissioners of last year concluded the report of their work.

If any difficultys occur in the execution of the duties required of you by these instructions, you will give information thereof to the Supreme Executive Council, that such difficulties may, if possible, be removed.

When you have compleated the business, you will make report to the Board of your proceedings, together with an estimate of the expences that may in your opinion be necessary to carry the said resolution into execution.

Council have thought proper to allow you seventeen shillings and six pence per diem for your services in this business, including your personal expences.

The charges which may necessarily arise from the hire of horses, boats and assistants, will be allowed by Council. At the same time it is earnestly recommended to you to avoid every unnecessary expence and delay.

I am, gentlemen, with great respect,

Your most obedient and most humble servant,

THOMAS MIFFLIN.

To Timothy Matlack, Samuel Maclay and John Adlum,
Esquires, Commissioners appointed to view the
Western waters.

Instructions to the Commissioners appointed to explore the country adjacent to the headwaters of the Delaware, Schuylkill, Lehigh and Northeast branch of the Susquehanna.

In Council, Philadelphia, April 26th, 1790.

Gentlemen:

COUNCIL HAVING, IN PURSUANCE OF THE enclosed resolution of the General Assembly of the thirty-first day of March last, appointed you Commissioners for the purposes expressed in the last part of the said resolution, you will, without delay, proceed to explore the country, and ascertain the best and shortest distance from the Delaware, near the forks of the Mohawk and Popaughton branches, to the great bend on the Susquehanna, and thence proceed down the Susquehanna to the mouth of Tioga, and from thence to the junction of the east and west branches. On your return from thence you will explore the Lehigh, from its head to the Turnhole, and also examine and explore the Tobehanna and the Schuylkill, from Hamburgh, where the Commissioners of last year concluded their work, to the mouth of Tamaquay, or Little Schuylkill, as far as good draft navigation may be supposed to extend. If any difficulties occur in the execution of the duties required of you by these instructions, you will give information thereof to the Supreme Executive Council, that such difficulties may, if possible, be removed.

When you have completed the business, you will make report to the Board of your proceedings, together with an estimate of the expence that may, in your opinion, be necessary to carry the said resolution into execution.

Council have thought proper to allow you seventeen shillings and six pence specie per diem for your ser-

vices in this business, including your personal expenses. The charges which may necessarily arise from the hire of horses, boats, and assistants, will be allowed by Council; at the same time it is earnestly recommended to you to avoid every unnecessary expence and delay.

I am, gentlemen, with great respect, your most obedient and humble servant,

THOMAS MIFFLIN.

To Reading Howell, Frederick Antes, & William Dean, Esquires.

Invitation to the Counsellors and Chief Warriors of the Six Nations Indians to Visit Philadelphia.

In Council, Philadelphia. May 10th, 1790.

Brothers:

WE HAVE RECEIVED AND SERIOUSLY CONSIDERED your letter, directed to the President and Supreme Executive Council of Pennsylvania. It gives us pain to hear from you that some bad people have plundered your camps and taken your property. Our laws do not permit one man to injure another. We are willing to give you an opportunity of laying before the government of Pennsylvania your grievances, and of explaining your wishes; and agreeably to your request, we hereby invite three of your chief counsellors and warriors, vizt: Cornplanter, Half Town, and the New Arrow to come to Philadelphia, on Wednesday the first day of September next, when the General Assembly will be in session. We have granted a commission to your particular friend Joseph Nicholson, to act as the interpreter to your three Chiefs, and will give him directions to conduct them to this city.

THOMAS MIFFLIN.

To Kientwaughko or Cornplanter,
 Guyaugh Shoto, alias the Great Cross,
 Hachuwoot or Half Town,
 Kyendo,
 Shendeshowa,
 Wadungueta,
 Hagungush,
 Hucheaguough, alias the Dog Barker,
 Oe-wha-gaw-go, alias the Oldnews,
 Candagowa, alias Large Tree,
 Tehewanias, alias the Broken Tree,
 Chief Counsellors and Warriors of the six nations of
 Indians.

Letter to the Secretary of State Announcing the Ces-
 sion of Certain Properties at Cape Henlopen.

In Council, Philadelphia, May 11th, 1790.

Sir:

I HAVE THE HONOR TO SEND YOU HEREWITH
 an act of the General Assembly of this State, pass-
 ed the twenty-eighth day of September, 1789, "to
 cede to and vest in the United States the light house at
 Cape Henlopen, and all the beacons, buoys and public
 piers, together with the lands and tenements thereunto
 belonging, and the jurisdiction of the same."

I have the honor to be, with great respect,

Your obedient and humble servant,

THOMAS MIFFLIN.

Honorable Thomas Jefferson, Esquire, Secretary of
 State.

To the Executors of the late President Benjamin Franklin, gratefully accepting his Portrait by Martin.

In Council, Philadelphia, May 14th, 1790.

Gentlemen:

THE SUPREME EXECUTIVE COUNCIL OF Pennsylvania have received the extract from Doctor Franklin's will in which his portrait, drawn by Martin in 1767, is offered for their acceptance.

The services rendered by that illustrious citizen to his country during a long and active life, have raised a monument of gratitude and affection to his memory which cannot be improved by art nor destroyed by time. But the present instance of his regard is peculiarly pleasing to a body of which all the present members have been informed by his wisdom, and many have been honored by his friendship.

We cannot therefore hesitate in declaring our cordial acceptance of the legacy, which being placed in the Council Chamber may become a public benefit, and lead from contemplating the picture to an imitation of the patriot.

I have the honor to be, with great respect,

Gentlemen, your obedient and most humble servant,

THOMAS MIFFLIN.

To Henry Hill, John Jay and Francis Hopkinson, Esquires, and Mr. Edward Duffield, executors of the last will and testament of Doctor Benjamin Franklin, deceased,

Proclamation of reward for the apprehension of Certain Murderers of Two Friendly Indians.

Pennsylvania, ss:

BY THE PRESIDENT AND THE SUPREME Executive Council of the Commonwealth of Pennsylvania:

A PROCLAMATION.



Whereas, It appears to us by the depositions of William Moore and Robert King, taken according to law, that two friendly Indians who came into the settlement on Pine Creek, in Northumberland county, in order to trade with the inhabitants of the said county, were on the evening of the twenty-seventh ultimo, barbarously murdered by Benjamin Walker, Henry Walker, Joseph Walker, and Samuel Doyle:

And whereas, It is of the utmost importance to the lives of the good people of this State, and a due execution of the laws, that the perpetrators of a crime so horrid, should be brought to condign and exemplary punishment: We have therefore thought proper to issue this proclamation, hereby engaging that the public reward of eight hundred dollars shall be paid to any person or persons who shall apprehend and secure the said Benjamin Walker, Henry Walker, Joseph Walker, and Samuel Doyle, or two hundred dollars for each and every of them, to be paid on their conviction for the said offence.

Given in Council, under the hand of his Excellency, Thomas Mifflin, Esquire, President, and the seal of the State, at Philadelphia, this ninth day of July, in the year of our Lord one thousand seven hundred and ninety.

THOMAS MIFFLIN.

Attest—Charles Biddle, Sec'ry.

Letter of Amity to Colonel Alexander McGillivray
and other chiefs and warriors of the Creek Nation.

In Council, Philadelphia, July 17th, 1790.

Sir:

THE PRESIDENT AND SUPREME EXECUTIVE Council of Pennsylvania are happy in the opportunity of welcoming you to the city of Philad'a, and of assuring you and the great Chiefs and Warriors of the Creek Nation, who accompany you, of our most cordial wish to render your stay here convenient and agreeable.

We have received a letter from the Secretary of War at New York, written by order of the President General of the United States, intimating your desire of taking this route, and recommending you to our attention and regard. That communication demonstrates indeed the President General's earnest desire to cultivate every means for establishing a good understanding between the citizens of the United States and their brethren of the Creek Nation; but it was unnecessary on the present occasion, as our own feelings sufficiently prompt us to testify our personal esteem for you, and as we hope the conduct of Pennsylvania, from the landing of William Penn to this day, has unequivocally proved her love of justice, her disposition for peace, and her respect for the rights and happiness of her neighbours.

It is with sincere pleasure that we anticipate from the object of your journey the establishment of a lasting harmony between your Nation and the United States of America; and we are persuaded that you will coincide in opinion that (however the ambition or turbulence of individuals may sometimes mislead them) our common country furnishes room enough for all its inhabitants, and that the real interests of all will be best promoted by mutual forbearance and a reciprocity of good offices,

Be pleased then, Sir, to communicate, with a cordial welcome to our city, these sentiments of the great Chiefs who have accompanied you, and to bear them in your own mind. They are the sentiments not only of the persons who now address you, but likewise, we are confident, of all who are engaged in the administration of public affairs, and indeed, of all the virtuous citizens of the American Union. If, therefore, they obtain the credit and confidence to which they are entitled, our latest posterity will have occasion to rejoice, and to bless that benevolent policy which extinguishes National prejudice and resentment, will at length unite us in the grateful bonds of peace and friendship.

THOMAS MIFFLIN.

Colonel Alexander McGillivray and others, Chiefs and Warriors of the Creek Nation of Indians.

To the Assembly Concerning various matters of State and internal improvement.

Gentlemen:

UNDER THE AUTHORITY OF A RESOLUTION of Assembly of the thirty-first of March last, we appointed Timothy Matlack, John Adlum and Samuel McClay, to examine and survey the Quittapahilla, the Swatara and parts of the Susquehanna and Juniata rivers, and assigned Frederick Antes, Reading Howell and William Dean, the business of exploring the country near the headwaters of Delaware, of the East Branch of Susquehanna, and of the rivers Lehigh and Schuylkill. The

commissioners set out on the duties of their respective departments in May; but we have not received any communications from them.

In compliance with the resolution of your Honorable House of the sixth of April, we have purchased a convenient lot of ground for five hundred and sixty-five pounds specie, and considerable progress is made in erecting upon it a magazine for gunpowder.

It will be necessary to provide by law for payment, the price of the lot and the expence of the building, which as nearly as we can at present ascertain, will be one thousand nine hundred and seventy-five pounds, and we are of opinion that it will likewise be proper to give a legislative sanction to the storage of powder belonging to private citizens, as soon as that magazine will be ready to receive it.

We have not been able to carry into effect the intention of the Legislature expressed by the act of the sixth of April, as no one has been willing to undertake to put the banks of Mud Island into good repair, for the sum appropriated by the law: We conceive that twelve hundred pounds will be requisite for that purpose.

The adjustment of the claims of individuals States against the United States, being an object of considerable moment, several States had appointed agents to attend to the settlement of their respective accounts before the commissioners appointed by Congress, and therefore, in conformity to the sentiments of our delegates, as well as the obvious utility of the measure, we have during your recess, employed Charles Pettit, Esquire, for that purpose, as an agent on behalf of the State of Pennsylvania. The letter from our Delegates and a letter from Mr. Pettit, respecting the business of his agency, we inclose, together with a letter from the Comptroller General upon the State of the public accounts.

Council being called upon to discharge the ballance due to Robert Galbraith, Esquire, on his contract for opening the road from Frankstown Branch to Conne-maugh, we lay before your Honorable House the information we have with respect to the execution of that contract from William Findley, Esquire, member of Council, who at our request has examined the said Board, and thinks it has been laid out conformably to Mr. Galbraith's undertaking.

We transmit a letter from the Attorney General, on account of the opinion therein expressed, "that it would be sound policy to establish a rule of reciprocity with the nations of Europe, by an act of the Legislature, declaring the subjects of those States, in which our citizens are permitted to enjoy real property, devised or descending to them capable of a similar privilege in Pennsylvania.

The act of the eleventh of February, 1789, which enables aliens to purchase and hold lands in this Commonwealth, will soon expire by its own limitation, and we conceive that a general and permanent rule on this important subject, ought not to be adopted. How far that which is suggested by the Attorney General, may be proper, we submit to the wisdom of the Legislature.

The Trustees of the Hospital on State Island having represented to us that the wharf on the Delaware, for the landing of sick passengers, who may be sent to the hospital, is in so ruinous a condition, that unless speedily repaired it must be entirely destroyed. We enclose their memorial and recommend it to the attention of the Legislature.

We sincerely lament the occasion of laying before you the depositions of several persons, from which it appears that in June last, two friendly Indians were barbarously murdered on Pine creek, Northumberland county. In order to manifest our abhorrence of the

crime, and to obtain, if possible, the persons of the offenders, a proclamation was issued by Council, offering a reward of eight hundred dollars for apprehending them, and such other steps have taken upon this occasion as will, we hope, effectually appease the resentment of the Indians, and prevent any danger of retaliation.

A desire to promote a good understanding with the Indians who reside within the limits of this State, has likewise induced us to acquiesce in the wish which Cornplanter and other chiefs of the Six Nations have expressed to visit Philadelphia; three of whom we have accordingly invited, and they will probably arrive in the course of a few days.

The following acts and resolutions of Congress which were received on Saturday, we transmit for your information:

An Act making further provision for the payment of the debts of the United States.

An Act to enable the officers and soldiers of the Virginia line, on continental establishments to obtain titles to certain lands lying northwest of the river Ohio, between the little Miami and Sciota.

An Act authorizing the Secretary of the Treasury to finish the light house on Portland head, in the district of Maine.

An Act declaring the assent of Congress to certain acts of the States of Maryland, Georgia and Rhode Island, and Providence Plantations.

An Act for the relief of the persons therein mentioned and described.

An Act for the relief of disabled soldiers and seamen lately in the service of the United States, and for other purposes.

An Act for altering the times for holding the Circuit Courts of the United States, in the districts of

South Carolina and Georgia, and providing that the District Court of Pennsylvania shall in future be held at the city of Philadelphia only.

An Act making certain appropriations therein mentioned.

An Act making provision for the reduction of the public debt; and

A resolution directing that a return of certain surveys of lands in the western territory be made to and perfected by the Secretary of the Treasury.

A letter from the Honorable Frederick Augustus Muhlenberg, Esquire, Speaker of the House of Representatives of the United States, inclosing a resolution of the House of Representatives dated the eighteenth day of May last, respecting the terms for which the members of the present Congress were chosen, is also sent herewith.

THOMAS MIFFLIN.

Council Chamber, Philadelphia, August 31st, 1791.

To the Assembly Concerning the murder of two friendly Indians on Pine Creek, and the measures demanded thereby.

Gentlemen:

IN OUR MESSAGE OF THE THIRTY-FIRST OF August, we informed your Honorable House that two friendly Indians had been barbarously murdered in June last by citizens of this State, on Pine creek, and that we had taken measures for apprehending the murderers, and for preventing retaliation.

Mr. King, who was by order of Council dispatched to the Indian country with a speech, and with copies of

a proclamation issued by Council for apprehending the murderers, returned last evening. He has brought a letter from Robert Phelps, dated Canandargua, August 14th, 1790, and a speech from several Chiefs of the Seneca nation, to which the two Indians who were murdered on Pine creek belonged, which letter and speech we inclose.

We conceive it to be of great importance to the welfare of the good people of this State, that measures should be immediately taken for quieting the minds of the Indians. We, therefore, request a conference with a committee of the General Assembly this morning on the subject.

We transmit a letter from the State Treasurer relative to the Loan Office, with an account of monies due to the Commonwealth on mortgages prior to the Revolution, which we recommend to the attention of your honorable House.

A letter from John Beckley, Esquire, Clerk of the House of Representatives of the United States, and a copy of the journals of the proceedings of that House accompanying this message.

THOMAS MIFFLIN.

Council Chamber, Philadelphia, September 1st, 1790.

Letter to the Cornplanter and other Chiefs and Warriors of the Six Nations.

In Council, Philadelphia, October 30th, 1790.

Brothers:

COUNCIL HAVE SERIOUSLY CONSIDERED the several matters which you laid before them yesterday morning, and assure you that it is their sincere desire to have all your complaints examined into and satisfactorily and speedily removed.

But the change which has been made in the govern-

ment of the State, puts it out of the power of this Council to give special answer to the most material parts of your speech.

On the first Tuesday of next December, the Legislature of Pennsylvania will meet under the new form of Government, and on the twenty-fourth of the same month the new Governor will commence his administration.

When those events take place, your speech, together with such further representation of a public nature, which you may think proper to make to us, shall be faithfully communicated to the new Government for their consideration and decision.

There are, however, two points on which we may with propriety now decide.

The first, the grant to the Cornplanter of one thousand five hundred acres of land by the General Assembly, on the twenty-fourth day of March, 1789.

We would long ago have ordered the survey of the land for the Cornplanter, but being willing to gratify him in his choice of a tract, we instructed General Butler to consult with him on that subject, and have waited to this time for his determination.

If he will inform us in what part of the unlocated lands of the State he wishes his survey to be made, we will order the Surveyor General to have the tract laid out without further delay.

The second point on which we shall decide, is the Cornplanter's request, that Half Town and Mr. Nicholson may remain with him in Philadelphia untill the meeting of the Legislature of the United States, or untill the President shall arrive here.

We cheerfully comply with that request, and approved of his sending back the other Chiefs and Warriors.

And in order to make the residence of the Cornplanter, Half Town and Mr. Nicholson in Philadelphia, as

convenient and agreeably as possible, Council will instruct their Secretary to provide suitable lodgings for them in a private family.

Chiefs and Warriors who are to return to the Seneca Nation—

We desire you to inform the Seneca Nation that the Government of Pennsylvania entertains sentiments of the most sincere friendship for them, and are anxious to prevent injuries being done by its citizens to their persons and property.

But as evil disposed men exist in every society, and as violence may sometimes be committed by such men upon the persons and property of the Indians, the Government will think it their duty upon complaint being made of such violence having been committed, to endeavour to have the offenders apprehended and brought to Justice.

In the instance of the Walkers and Doyle, this Council has done everything in their power to have them secured and brought to tryal, they have succeeded only with respect to Doyle, but will continue their exertions for the securing of the Walkers.

Doyle will be conveyed next week to Sunbury under a strong guard, to stand his trial; should he be convicted, there is little doubt of his being capitally punished.

We wish you may arrive at your homes in good health, and find your families in the possession of the same blessings.

THOMAS MIFFLIN.

To Cornplanter and his Indians with Regard to their visit to the City and declining to Advance Money.

In Council, Philadelphia, November 3rd, 1790.

Brothers:

COUNCIL HAVE CONSIDERED THE REQUESTS made by Cornplanter, that one hundred and ninety dollars should be advanced to him and to the Chiefs and warriors who have accompanied him to Philadelphia, to procure supplies of cloathing and other necessaries for their families.

However desirous Council may be of complying with every reasonable desire of the Cornplanter, we conceive that it is not in our power, for reasons stated to him in our answer to his speech of the thirteenth day of October last, to comply with his present request.

At the same time, we declare it our determination to allow to him and to his companions every thing which can be considered as essential to their comfortable residence in the city, and to their safe and happy return to their families.

But whatever relates to any demand of the Cornplanter against the State, or to an advance of money on account, must be deferred untill the meeting of the Legislature in December next.

THOMAS MIFFLIN.

CONSTITUTION
OF THE
COMMONWEALTH.
1790.



Chapter VII.

THE CONSTITUTION OF THE COMMONWEALTH.

1790.

WE THE PEOPLE OF THE COMMONWEALTH of Pennsylvania, ordain and establish this constitution for its government.

ARTICLE I.

Section I. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

Section II. The representatives shall be chosen, annually, by the citizens of the city of Philadelphia, and of each county respectively, on the second Tuesday of October.

Section III. No person shall be a representative, who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the city or county in which he shall be chosen; unless he shall have been absent on the public business of the United States or of this state. No person residing within any city, town or borough, which shall be entitled to a separate representation, shall be elected a member for any county; nor shall any person residing without the limits of any city, town or borough, be elected a member thereof.

Section IV. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the tax-

able inhabitants shall be bade, in such manner as shall be directed by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia, and the several counties according to the number of taxable inhabitants in each; and shall never be less than sixty, nor greater than one hundred. Each county shall have at least one representative; but no county hereafter erected, shall be entitled to a separate representation, until a sufficient number of taxable inhabitants shall be contained within it to entitle them to one representative, agreeable to the ratio which shall then be established.

Sect. V. The senators shall be chosen for four years by the citizens of Philadelphia and of the several counties, at the same time, in the same manner and at the same places where they shall vote for representatives.

Sect. VI. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts, formed as hereinafter directed, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third of the number of representatives.

Sect. VII. The senators shall be chosen in districts to be formed by the legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect not more than four senators: When a district shall be composed of two or more counties they shall be adjoining. Neither the city of Philadelphia, nor any county, shall be divided in forming a district.

Sect. VIII. No person shall be a senator, who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district for which he shall be

chosen, unless he shall have been absent on the public business of the United States or of this state.

Sect. IX. Immediately after the senators shall be assembled in consequence of the first election subsequent to the first enumeration, they shall be divided, by lot, as equally as may be, into four classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class, at the expiration of the second year; of the third class, at the expiration of the third year; and of the fourth class, at the expiration of the fourth year; so that one-fourth may be chosen every year.

Sect. X. The general assembly shall meet on the first Tuesday of December, in every year, unless sooner convened by the governor.

Sect. XI. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker pro tempore, when the speaker shall exercise the office of governor.

Sect. XII. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee to be selected, formed and regulated in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized, by law, to compel the attendance of absent members in such manner and under such penalties as may be provided.

Sect. XIII. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour; and with the concurrence of two-thirds, expel a member, but not a second time for the same cause, and shall have all other powers necessary for a branch of the legislature of a free state.

Sect. XIV. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy: And the yeas and nays

of the members, on any question, shall, at the desire of any two of them, be entered on the journals.

Sect. XV. The doors of each house and of committees of the whole, shall be open, unless when the business shall be such as ought to be kept secret.

Sect. XVI. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sect. XVII. The senators and representatives shall receive a compensation for their services to be ascertained by law, and paid out of the treasury of the commonwealth. They shall in all cases, except treason, felony and breach or surety of the peace be privileged from arrest during their attendance at the session of the respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

Sect. XVIII. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office, under this commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time; and no member of congress or other person holding any office (except of attorney at law and in the militia) under the United States or this commonwealth, shall be a member of either house during his continuance in congress or in office.

Sect. XIX. When vacancies happen in either house, the speaker shall issue writs of election to fill such vacancies.

Sect. XX. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in other bills.

Sect. XXI. No money shall be drawn from the treasury, but in consequence of appropriations made by law.

Sect. XXII. Every bill, which shall have passed both houses shall be presented to the governor. If he

approve it, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon their journals, and proceed to re-consider it. If, after such re-consideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be re-considered, and if approved by two-thirds of that house, it shall be a law. But in such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it; unless the general assembly, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Sect. XXIII. Every order, resolution or vote, to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the governor, and before it shall take effect, be approved by him; or, being disapproved shall be re-passed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

ARTICLE II.

Section I. The supreme executive power of this commonwealth shall be vested in a governor.

Sect. II. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the Senate, who shall open and publish them in the presence of the members of both houses of the legislature. The per-

son having the highest number of votes shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

Sect. III. The governor shall hold his office during three years from the third Tuesday of December next ensuing his election, and shall not be capable of holding it longer than nine in any term of twelve years.

Sect. IV. He shall be, at least, thirty years of age; and have been a citizen and inhabitant of this state seven years next before his election; unless he shall have been absent on the public business of the United States, or of this state.

Sect. V. No member of congress, or person holding any office under the United States or this state, shall exercise the office of governor.

Sect. VI. The governor shall, at stated times, receive for his services a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

Sect. VII. He shall be commander in chief of the army and navy of this commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Sect. VIII. He shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for; but no person shall be appointed to an office within any county, who shall not have been a citizen and inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or

counties, out of which it shall have been taken. No member of congress from this state nor any person holding or exercising any office of trust or profit under the United States, shall at the same time, hold or exercise the office of judge, secretary, treasurer, prothonotary, register of wills and recorder of deeds, sheriff, or any office in this state, to which a salary is by law annexed, or any other office, which future legislatures shall declare incompatible with offices or appointments under the United States.

Sect. IX. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

Sect. X. He may require information, in writing, from the officers in the executive department upon any subject relating to the duties of their respective offices.

Sect. XI. He shall from time to time, give to the general assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

Sect. XII. He may, on extraordinary occasions, convene the general assembly, and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

Sect. XIII. He shall take care that the laws be faithfully executed.

Sect. XIV. In case of the death or resignation of the governor, or of his removal from office, the speaker of the senate shall exercise the office of governor shall be duly qualified. And if the trial of a contested election shall continue longer than until the third Tuesday in December next ensuing the election of a governor, the governor of the last year, or the speaker of the senate, who may be in the exercise of the executive authority, shall continue therein, until the determination of such

contested election, and until a governor shall be qualified as aforesaid.

Sect. XV. A secretary shall be appointed and commissioned during the governor's continuance in office, if he shall so long behave himself well. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before either branch of the legislature, and shall perform such other duties as shall be enjoined him by law.

ARTICLE III.

Section I. In elections by the citizens every freeman of the age of twenty-one years, having resided in the state two years next before the elections, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector; provided that the sons of persons qualified as aforesaid, between the age of twenty-one and twenty-two years, shall be entitled to vote although they shall not have paid taxes.

Sect. II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote *viva voce*.

Sec. III. Electors shall, in all cases, except treason, felony and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV.

Section I. The house of representatives shall have the sole power of impeaching.

Sect. II. All impeachments shall be tried by the senate: When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be

convicted without the concurrence of two-thirds of the members present.

Sect. III. The governor and all other civil officers under this commonwealth shall be liable to impeachment for any misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office and disqualification to hold office of honor, trust or profit under this commonwealth: the party whether convicted or acquitted, shall nevertheless, be liable to indictment, trial, judgment and punishment according to law.

ARTICLE V.

Section I. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general gaol delivery, in a court of common pleas, orphans' court, register's court and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may, from time to time establish.

Sect. II. The judges of the supreme court and of the several courts of common pleas shall hold their offices during good behaviour: But, for any reasonable cause, which shall not be sufficient ground of impeachment, the governor may remove any of them on the address of two-thirds of each branch of the legislature. The judges of the supreme court and the presidents of the several courts of common pleas, shall, at stated times, receive for their services, an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.

Sect. III. The jurisdiction of the supreme court shall extend over the state, and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general gaol delivery, in the several counties,

Sect. IV. Until it shall be otherwise directed by law, the several courts of common pleas shall be established in the following manner: The governor shall appoint, in each county, not fewer than three nor more than four judges, who, during their continuance in office, shall reside in such county: The state shall be, by law, divided into circuits, none of which shall include more than six nor fewer than three counties. A president shall be appointed of the courts in each circuit, who, during his continuance in office, shall reside therein. The president and judges, any two of whom shall be a quorum, shall compose the respective courts of common pleas.

Sect. V. The judges of the court of common pleas in each county shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery for the trial of capital and other offenders therein; any two of the said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer or jail delivery in any county when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may under such regulations as shall be prescribed by law, remove the indictment and proceedings or a transcript thereof, into the supreme court.

Sect. VI. The supreme court and the several courts of common pleas shall, beside the powers heretofore usually exercised by them, have the powers of a court of chancery so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the state, and the care of the persons and estates of those who are non compotes mentis. And the legislature shall vest in the said courts such other powers to grant relief in equity as shall be found necessary: and may, from time to time, enlarge or diminish those

powers; or vest them in such other courts as they shall judge proper for the due administration of justice.

Sect. VII. The judges of the court of common pleas of each county, any two of whom shall be a quorum; shall compose the court of quarter sessions of the peace and orphans' court thereof: And the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

Sect. VIII. The judges of the courts of common pleas shall, within their respective counties, have the like powers with the judges of the supreme court to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them and the like right and justice to be done.

Sect. IX. The president of the court in each circuit within such circuit, and the judges of the courts of common pleas within their respective counties, shall be justices of the peace so far as relates to criminal matters.

Sect. X. The governor shall appoint a competent number of justices of the peace in such convenient districts in each county, as are, or shall be directed by law. They shall be commissioned during good behaviour; but may be removed on conviction of misbehaviour in office, or of any infamous crime, or on the address of both houses of the legislature.

Sect. XI. A register's office for the probate of wills and granting letters of administration, and an office for the recording of deeds shall be kept in each county.

Sect. XII. The style of all process shall be The commonwealth of Pennsylvania: all prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude, against the peace and dignity of the same.

ARTICLE VI.

Section I. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by

the citizens of each county. Two persons shall be chosen for each office, one of whom, for each, respectively, shall be appointed by the governor. They shall hold their offices for three years if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices, shall be filled by a new appointment to be made by the governor, to continue until the next general election and until a successor shall be chosen and qualified as aforesaid.

Sect. II. The freemen of this commonwealth shall be armed and disciplined for its defence: Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner and for such time as shall be directed by law.

Sect. III. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers; unless when the governor shall, for special reasons, dispense therewith for any term not exceeding five years after the county shall have been erected.

Sect. IV. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the governor.

Sect. V. The state treasurer shall be appointed annually, by the joint vote of the members of both houses. All other officers in the treasury department, attornies at law, election officers, officers relating to taxes, to the poor and highways, constables and other township officers shall be appointed in such manner as is or shall be directed by law.

ARTICLE VII.

Section I. The legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis.

Sect. II. The arts and science shall be promoted in one or more seminaries of learning.

Sect. III. The rights, privileges, immunities and estates of religious societies and corporate bodies shall remain as if the constitution of this state had not been altered or amended.

ARTICLE VIII.

Members of the general assembly and all officers, executive and judicial, shall be bound by oath or affirmation to support the constitution of this commonwealth, and to perform the duties of their respective offices with fidelity.

ARTICLE IX.

That the general, great and essential principles of liberty and free government may be recognised and unalterably established, WE DECLARE,

Section I. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Sect. II. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness: For the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

Sect. III. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishments or modes or worship.

Sect. IV. That no person who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this commonwealth.

Sect. V. That elections shall be free and equal.

Sect. VI. That trial by jury shall be as heretofore, and the right thereof remain inviolate.

Sect. VII. That the printing presses shall be free to every person, who undertakes to examine the proceedings of the legislature or any branch of government: and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers, investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and, in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases.

Sect. VIII. That the people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures; and that no warrant to search any place, or to seize any person or things

shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

Sect. IX. That in all criminal prosecutions, the accused hath a right to be heard by himself and his council, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or information, a speedy trial by an impartial jury of the vicinage: That he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Sect. X. That no person shall, for any indictable offence, be proceeded against criminally by information; except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; or by leave of the court for oppression and misdemeanor in office. No person shall for the same offence be twice put in a jeopardy of life and limb; nor shall any man's property be taken, or applied to public use, without the consent of his representatives, and without just compensation being made.

Sect. XI. That all courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts and in such cases as the legislature may, by law, direct.

Sect. XII. That no power of suspending laws shall be exercised, unless by the legislature, or its authority.

Sect. XIII. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sect. XIV. That all prisoners shall beailable by sufficient sureties, unless for capatal offences, when the proof is evident or presumption great: and the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Sect. XV. That no commission of oyer and terminer or jail delivery shall be issued.

Sect. XVI. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate, for the benefit of his creditors, in such manner as shall be prescribed by law.

Sect. XVII. That no ex post facto law, nor any law impairing contracts, shall be made.

Sect. XVIII. That no person shall be attainted of treason or felony by the legislature.

Sect. XIX. That no attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the commonwealth; that the estates of such persons as shall destroy their own lives shall descend or vest as in case of natural death; and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

Sect. XX. That the citizens have a right, in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances or other proper purposes, by petition, address or remonstrance.

Sect. XXI. That the right of the citizen to bear arms in defence of themselves and the state shall not be questioned.

Sect. XXII. That no standing army shall, in time of peace, be kept up without the consent of the legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Sect. XXIII. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Sect. XXIV. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour.

Sect. XXV. That emigration from the state shall not be prohibited.

Sect. XXVI. To guard against transgressions of the high powers which we have delegated, WE DECLARE, that every thing in this article is excepted out of the general powers of government, and shall, for ever remain inviolate.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained.

I. That all laws of this commonwealth. in force at the time of making the said alterations and amendments in the said constitution, and not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

II. That the president and supreme executive council shall continue to exercise the executive authority of this commonwealth as heretofore, until the third Tuesday of December next; but no intermediate vacancies in the council shall be supplied by new elections.

III. That all officers in the appointment of the executive department, shall continue in the exercise of

the duties of their respective offices until the first day of September, one thousand seven hundred and ninety-one, unless their commissions shall sooner expire by their own limitations, or the said offices become vacant by death or resignation, and no longer, unless re-appointed and commissioned by the governor. Except that the judges of the supreme court shall hold their offices for the terms in their commissions respectively expressed.

IV. That justice shall be administered in the several counties of the state, until the period aforesaid, by the same justices, in the same courts, and in the same manner as heretofore.

V. That no person now in commission as sheriff shall be eligible at the next election for a longer term than will, with the time, which he shall have served in the said office, complete the term of three years.

VI. That until the first enumeration shall be made as directed in the fourth section of the first article of the constitution established by this convention, the city of Philadelphia and the several counties shall be respectively entitled to elect the same number of representatives as is now prescribed by law.

VII. That the first senate shall consist of eighteen members, to be chosen in districts formed as follows, viz: The city of Philadelphia, and the counties of Philadelphia and Delaware shall be a district, and elect three senators; the county of Chester shall be a district, and shall elect one senator; the county of Bucks shall be a district, and shall elect one senator; the county of Montgomery shall be a district and shall elect one senator; the county of Northampton shall be a district, and shall elect one senator; the counties of Lancaster and York shall be a district, and shall elect three senators; the counties of Berks and Dauphin shall be a district, and shall elect two senators; the counties of Cumberland and Mifflin shall be a district, and shall

elect one senator; the counties of Northumberland, Luzerne and Huntingdon shall be a district, and shall elect one senator; the counties of Bedford and Franklin shall be a district, and shall elect one senator; the counties of Westmoreland and Allegheny shall be a district, and shall elect one senator; and the counties of Washington and Fayette shall be a district and shall elect two senators: which senators shall serve until the first enumeration before mentioned shall be made, and the representation in both houses of the legislature shall be established by law, and chosen as in the constitution is directed. Any vacancies which shall happen in the senate within the said time, shall be supplied as prescribed in the nineteenth section of the first article.

VIII. That the elections of senators shall be conducted, and the returns thereof made to the senate, in the same manner as is prescribed by the election laws of the state for conducting and making return of the election of representatives. In those district which consist of more than one county, the judges of the district elections within each county, after having formed a return of the whole election within that county, in such manner as is directed by law, shall send the same, by one or more of their number, to the place hereinafter mentioned, within the district of which such county is a part; where the judges, so met, shall compare and cast up the several county returns, and execute, under their hands and seals, one general and true return for the whole district, that is to say, The judges of the district composed of the city of Philadelphia and the counties of Philadelphia and Delaware, shall meet in the state house in the city of Philadelphia; the judges of the district composed of the counties of Lancaster and York, shall meet at the court house in the county of Lancaster; the judges of the district composed of the counties of Berks and Dauphin, shall meet at Middle-

town, in the county of Berks; the judges of the district composed of the counties of Cumberland and Mifflin, shall meet in Greenwood township, county of Cumberland, at the house now occupied by David Miller; the judges of the district composed of the counties of Northumberland, Luzerne and Huntingdon, shall meet in the town of Sunbury; the judges of the district composed of the counties of Bedford and Franklin, shall meet at the house now occupied by John Dickey, in Air township, Bedford county; the judges of the district composed of the counties of Westmoreland and Allegheny, shall meet in Westmoreland county, at the court house in the town of Greensborough; and the judges of the district composed of the counties of Washington and Fayette, shall meet at the court house in the town of Washington, in Washington county, on the third Tuesday in October respectively, for the purpose aforesaid.

IX. That the election of the governor shall be conducted in the several counties in the manner prescribed by the laws of the state for the election of representatives, and the returns in each county shall be sealed by the judges of the elections, and transmitted to the president of the supreme executive council, directed to the speaker of the senate, as soon after the election as may be.

DONE in convention, the second day of September, in the year of our Lord one thousand seven hundred and ninety, and of the independence of the United States of America, the fifteenth. IN TESTEMONY whereof we have hereunto subscribed our names.

THOMAS MIFFLIN, President.

James Wilson,
Hilary Baker,
William Lewis,
Thomas M'Kean,
George Gray,

William Robinson, jr.,
Robert Hare,
Enoch Edwards,
Samuel Ogden,
Thomas Jenks,

John Barclay,
Abraham Stout,
William Gibbons,
Thomas Bull,
James Boyd,
Edward Hand,
Robert Coleman,
Sebastian Graff,
John Hubley,
John Breckbill,
Henry Miller,
Henry Slegle,
William Reed,
Benjamin Tyson,
Benjamin Pedan,
Matthew Dill,
William Irvine,
James Power,
Joseph Hiester,
Christian Lower,
Abraham Lincoln,
Paul Groscop,
Baltzer Gehr,
Samuel Sitgreaves,
John Arndt,
Peter Rhoads,

Joseph Powell,
John Piper,
Charles Smith,
Simon Snyder,
William Findlay,
William Todd,
Alexander Addison,
John Hoge,
David Redick,
James Ross,
John Smilie,
Albert Gallatin,
James M'Lene,
George Matthews,
James Morris,
Lindsay Coates,
Jonathan Shoemaker,
John Gloninger,
William Brown,
Alexander Graydon,
Timothy Pickering,
Andrew Henderson,
John Gibson,
Thomas Beale,
John Sellers,
Nathaniel Newlin.

Attest—Joseph Redman, Secretary.

Jacob Shallus, Assistant Secretary.



THOMAS MIFFLIN.
Governor of the Common-
wealth.
1790-1799.



Chapter VIII.

THOMAS MIFFLIN.

Governor of the Commonwealth,

1790-1799.

Opening Address to the Assembly—1790.

THERE CANNOT BE A SUBJECT OF FAIRER congratulation, than that which the establishment of a new Constitution presents, at this time, to every patriotic Citizen of Pennsylvania. The wisdom, the candor, and the liberality of the late Convention have not only produced a system that promises political energy and happiness to the State, but have been the means of diffusing the blessings of confidence and concord among the people. A just sense of the common interest has happily prevailed, and for the advancement and security of that interest we are now convened to organize and administer a government which has been sanctioned by the warmest approbation, and is supported by the best wishes of our Constituents.

The task assigned to us is not, however, less difficult than it is important: For whether we analyze the nature and extent of our relative connexion with the Union, or contemplate the encreased population of the commonwealth, the extensive cultivation of her soil,

the flourishing ſtate of her commerce, and the enterprising ſpirit of her inhabitants, we ſhall be equally impreſſed with the magnitude and variety of the objects that demand the care and conſideration of the government. But reflecting on the other hand, that to cheriſh the ſprings of national felicity and opulence, by encouraging induſtry, diſſeminating knowledge, and raiſing our ſocial compact upon the permanent foundations of liberty and virtue, muſt be pleaſing to that Being by whom the order and harmony of the univerſe were eſtabliſhed, we ſhall find a great and conſtant conſolation amidſt all the difficulties of prosecuting our public duties, and are juſtified in a grateful hope, that our zeal and our labors for the proſperity of our country will not be vain and ineffectual.

I am ſenſible, Gentlemen, that the reputation and ſucceſs of government, depend, in a great degree, upon the conduct of its officers, and the good underſtanding that ſubſiſts among them: Permit me, therefore, to take this firſt opportunity to beſpeak a mutual confidence between the Legislative and Executive Departments.

As public ſervants, our duties, our intereſts and our objects, are the ſame, and ſo perfectly do I rely on your wiſdom and integrity, that in every act which can promote the common weal, which is neceſſary to accompliſh the patriotic views of the Legislature, you may be aſſured, on my part, of the moſt cheerful aſſiſtance and co-operation; while, on your part, I am perſuaded that I ſhall experience a cordial ſupport in the conſtitutional exerciſe of my official powers, ſince, next to the ambition of promoting the happineſs of our fellow citizens and of advancing the honor and reputation of the commonwealth, I ſhall cheriſh the deſire of conciliating and deſerving your eſteem.

As ſoon, Gentlemen, as the neceſſary arrangements ſhall be made, I will lay before you ſuch buſineſs as

will, in my opinion, require your attention in the present session.

THOMAS MIFFLIN.

December 21, 1790.

To the Assembly on the State of the Commonwealth.

Gentlemen:

IN CONSIDERING THE PRESENT CIRCUMSTANCES of the commonwealth, her finances will necessarily claim an early attention; and the representations that have formerly been made to the Legislature by the Comptroller-general and Register-general, will yield abundant encouragement, from the comparative state of the public wants and resources, to undertake the establishment of a more perfect system, for the punctual collection, and faithful application of the revenues. The embarrassments of the treasury, indeed, have principally arisen from a defect in this respect; for the slow and precarious collection of the taxes, has occasionally obliged the treasurers to divert the several funds of the state, from the objects for which they were peculiarly designed; and, eventually, the delinquency, or insolvency, of the collectors, has too often absorbed the means of replacing the sums thus disturbed, in season to comply with the original appropriations.

The Comptroller-general and Register-general have laid before you a comprehensive view of the situation of the treasury; and, when you have examined the various funds created by the different acts of Assembly, their objects, and their deficiencies (either on account of an inadequate product, or of an estrangement from their proper use) I submit to your judgment the expediency of taking measures to render them ultimately competent to the views of the Legislature, and to pre-

vent the necessity, as well as the power of any future alienations: For, I am persuaded, that you will think with me, that a strict and certain collection of the unavoidable impositions of government, not only equalizes, but tends to diminish the public burthens; and that a regular and certain adherence to legislative engagements, as it affords the best evidence of public faith, will be the surest means of establishing public credit.

It is with great satisfaction, Gentlemen, that I lead your attention to the prospect of a total extinguishment of the Public debt; which will furnish a strong inducement to your exertions upon this subject. Besides the current expences of the government, it appears, that the faith of Pennsylvania is pledged for the redemption of her bills of credit emitted in June, 1780, in April, 1781, and in March, 1785, for the redemption of the State Island money, and the Resolve and Commonwealth money, for the redemption of the funded, or militia certificates; the depreciation certificates; the certificates issued for interest, by virtue of the act of March, 1783, the certificates given for horses and provisions during the war, and the ballance of interest due on new loan certificates. These engagements, together with the remaining installments of the legislative grant to the late Proprietaries, and the amount of the pension list, form the aggregate of the public debt. The particular funds on which the redemption of the emissions of paper money has been charged are, I am assured, more than adequate for that purpose; and the certificates given for horses and provisions during the war, will become irredeemable on the first day of January next, in consequence of the limitation prescribed by law; when, likewise all the obsolete and unliquidated claims against the state, will be for ever barred. If, therefore, a due regard is paid to the arrangements, which have been made for exonerating the common-

wealth of her debts, it is highly probable, that, at the close of the ensuing year, the funded, or militia, certificates, the depreciation certificates, the pension list, and the Proprietary grant, will constitute the only incumbrance on the public revenue; and even a great part of this, from the absorption of the land-office, the nature of the debt, or the necessary progress of periodical payments, must eventually become extinct.

Having thus viewed the state of the public debt, permit me, Gentlemen, cursorily to trace the sources, by which you will perceive, that, if they are not retarded, or intercepted in their course, the treasury ought to be amply supplied for the discharge of every demand.—Independent of the ordinary taxes on the various kinds of licenses, on sales at auction, and on legal process, the very arrearages of taxes have grown into a fund, from which (though constantly decreasing) a considerable aid must, for some time longer, be occasionally derived. The excise, though it has not hitherto been as productive as might justly have been expected, or as it may be rendered, is, likewise, a resource of importance, but liable to be assumed by Congress. And the land-office, rich in the arrearages due for unpatented lands, is an instrument actively employed in the reduction of the public debt, and promises, in that respect, to gratify our most sanguine expectations: On the first day of January the tax, called the funding tax, will of course revive; and, although, in your wisdom, you may deem it expedient to permit its operation for another year, yet, when the diminution of public obligation, which I have anticipated, shall take place, and the claims of Pennsylvania against the Union, shall become an actual source of revenue, you will, I am confident, feel a sincere pleasure in the opportunity of totally discontinuing that charge upon the industry and property of our fellow-citizens.

It is then an honorable consideration, that the annual interest of those continental claims, which yield the most decisive testimony of the alacrity and perseverance of this state, in prosecuting the great objects of the revolution, may, upon a reasonable estimate, be rendered sufficient, in the course of a few years, to discharge all the remaining obligations, and to defray all the incidental expences of government. In order, therefore, Gentlemen, to prevent any injurious delay in a business of such importance, allow me particularly to recommend to your attention, the act of Congress, providing for the debts of the United States. It is proper that the sense of the Legislature should be speedily expressed respecting the loan, which that act proposes to the creditors of the Union; and, I am persuaded, that, while you examine the terms with all the necessary regard to the interests of Pennsylvania, you will not be uninfluenced in your deliberations, by that attachment to the honor and prosperity of the General Government, which has hitherto distinguished the political character of the commonwealth.

Under the impressions that I have communicated, I cannot forbear enforcing, Gentlemen, the salutary policy of destroying the balances of the various emissions of paper money, as fast as they are deposited in the public treasury. It is not merely the reputation of completing legislative systems, or the advantage of gradually diminishing the public debt, which this measure tends to ensure, but it becomes peculiarly interesting, as it must, likewise, be the means of checking the spirit of speculation; which always produces a pernicious fluctuation of property, and too generally taints the principles of benevolence, patriotism, and morality. A considerable part of the emission, which is commonly termed Dollar Money, has been retained for some time, in the hands of the continental Loan-officer, and there may, perhaps, arise a reasonable doubt, whether it is

the property of the state, or of the Union: but, at all events, I refer to your consideration the propriety of entering into a negotiation with Congress, for the redelivery, or redemption, of this money, that, with the other similar engagements of the commonwealth, it may at once be removed from the possibility of being introduced into public circulation.

The regulation of coins, and the establishment of standards for weights and measures, being of high importance to the revenues, as well as to the commerce of the state, it will give you satisfaction to find, that Congress, in conformity to their constitutional powers, have taken those subjects into serious consideration: but, unless a general plan shall soon be promulged by that honorable Body, you will perhaps find it expedient to revise the acts for regulating weights and measures, so as to obviate some doubts which have occurred, with respect to the right of the Mayor or Corporation of the city of Philadelphia to appoint the keeper of a standard, in exclusion of the officer appointed for the county: and, also, to designate, with more certainty, the general standards of the state: And, for your information, I shall lay before you the opinion of the Attorney-General upon this subject.

The confused state of our municipal law has long been a matter of complaint: its inconveniences have been felt in every department of government: while the citizens at large, from this cause, have found it difficult to obtain that degree of information, respecting the acts of the Legislature, which is necessary to guide their conduct, and to enable them to judge of the conduct of their Representatives. Although the subject has been repeatedly suggested for the consideration of the General Assembly, the present period seems peculiarly propitious, for undertaking the revision and reformation of our code: since the organization of the

Federal Government, and the establishment of the State Constitution, must ensure certainty and permanency in such regulations, as you may now think it is proper to adopt. In order, therefore, to lay the foundation of a comprehensive and satisfactory system, allow me to recommend the early appointment of a person of competent talents, and legal information, to prepare a general digest of the laws for your examination; who, besides incorporating the supplemental with the original acts, and bringing laws upon the same subject into one point of view; besides expunging such acts as are become obsolete, and omitting the detail of such as are merely of a private nature; shall be instructed to report the various statutes of the British Parliament, which, without the legislative sanction of Pennsylvania, have obtained a binding force in her jurisprudence, in consequence of the usage of her citizens, or the judgments of her courts.

Before this great object can be accomplished, however, the circumstances in which we are placed, by the operation of the Federal System, and the new form of our domestic Constitution, will require some very material amendments and alterations in our laws. The impost laws, the laws respecting a Court of Admiralty, the establishment of a Board of Wardens for the port of Philadelphia, and for the regulation of the militia, with many other acts of Assembly, which will naturally occur in the course of your deliberations, are either entirely annihilated, or partially affected, by the jurisdiction and laws of the United States. Your desire to cherish a mutual beneficial harmony, between the Union and its constituent members, will, therefore, induce you, Gentlemen, to pursue the most effectual measures for removing every ground on which their interests, or their plans, might possibly appear to clash: And, particularly, while I congratulate you on the choice which the Federal Government has made for its

temporary residence, I am convinced, that you feel a sincere disposition to concur with me, in rendering this event satisfactory to that honorable Body, and advantageous to the commonwealth.—Under the influence of similar sentiments, the city and county of Philadelphia have prepared accommodations for the President of the United States and Congress; and the late Executive Council have assigned a part of the buildings of the State House for the use of their officers. You will decide, Gentlemen, how far it is, likewise, necessary upon this occasion, to extend the exception in the tenth section of the act for the gradual abolition of slavery, so as to prevent any controversy with respect to domestic slaves, brought hither by public characters, citizens of other states, who, though neither Members of Congress, nor Foreign Ministers, or Consuls, are obliged personally to attend at the seat of the national government.

As to the laws which require an immediate revision, on account of the new structure of our state government, you will find, that they principally relate to the exercise of the excessive authority, under its former modification. The seal of the state was placed by the late constitution in the custody of the Executive Council. In the business of the land-office, all patents are directed to be signed by the President, or Vice President, in Council, and countersigned by the Secretary of Council; the form of the patent runs in the name of "The Supreme Executive Council," and all warrants of acceptance, survey, re-survey, and partition, are to be signed by the President, or Vice President.—The sales of the different descriptions of public lands, and the titles of the respective purchasers, are to be made and granted by the authority of the President and Council; who are, likewise, enjoined to order and superintend the survey of the lands appropriated by the Legislature, for the endowment of public schools. The constitution

of the Board of Property (which, I find has already been an object of your consideration) renders the attendance of the President, or Vice President, and a member of the Executive Council, essentially necessary to its proceedings; nor, upon the entry of a caveat, can any citation be issued, or day of hearing be appointed, by the Secretary of the land-office, without the previous approbation of the President, or Vice President—in the departments of the Comptroller-general, the Register-general, and the Treasurer, the final settlement of accounts rests upon the examination and approbation of the Executive Council; or, in case a controversy should arise upon the statements of those officers, the allowance of an appeal, or the institution of a suit, and all the subsequent transactions, are implicitly referred to the discretion of the same body. The Treasurer, is also, prohibited from paying any monies, but upon warrants drawn by the Executive Council; without their direction, the Comptroller-general is precluded from calling the Commissioners and Treasurers of the counties to account; the preference of two of their members is made indispensable in the business of exchanging the new loan certificates, agreeably to the provisions of the act of Assembly; and the installments due to the late Proprietaries, (with many other public engagements) are to be paid by their order—under the act for regulating bankruptcy, the President is required to take the petitioning creditors bond, and to issue the commission; he may enlarge the time of the bankrupt's surrender; and, after having administered an oath or affirmation to the bankrupt, that the certificate of the Commissioners was fairly obtained, he is to testify its allowance under the seal of the state—The President is further authorized to grant marriage, tavern and other licenses; he is appointed one of the licensers of the theatre; and, ex-officio, he is one of the trustees of the University, and patron of the philosophical Society

—in short, to the President and Executive Council, so great a variety of appeals, and reports, were directed to be made; by them, so great a variety of Commissioners and other officers, were to be appointed for specific services; before them so great a variety of official qualifications and sureties were to be taken; and on them the superintendence of so great a variety of public objects devolved; that a particular recapitulation would at this time be impracticable, and, by enacting a general and comprehensive law upon the subject, it may, I think, be rendered unnecessary till the completion of that system, which I have already recommended to your attention.

With this view, therefore, I beg leave to suggest, that all the alterations immediately requisite to accommodate the acts of Assembly to the recent change in the Executive department, besides providing for the establishment of a state seal, its custody, and the power of affixing it to official certificates, and other public instruments, may probably be classed under the following general descriptions: First, Cases in which an oath or affirmation was to be administered, or in which bonds, or recognizances, were directed to be given to, or taken before, the President and Executive Council, or the President or Vice President; or, in which such bonds and recognizances were to be approved by them, or any of them: Secondly, Cases in which the President and Executive Council, were to appoint Commissioners or other officers, for specific purposes, to supply vacancies, and to furnish instructions: Thirdly, Cases in which the President and Executive Council, or the President, or Vice President, were to make sale of the public lands, to grant patents, to sign warrants of acceptance, of survey, re-survey, and partition, to execute deeds, to issue commissions, to allow certificates, to grant licences, and to receive the returns or reports of Commissioners: Fourthly, Cases in which

the President and Executive Council were to receive statements, or reports, from the Comptroller-general, Register-general, or Treasurer, and thereupon, as occasion might require, to confirm the same, or to allow appeals, and to direct suits: Fifthly, Cases in which the President and Supreme Executive Council, or any part of that Body, were necessary to the transactions of the Board of Property—to execute the regulations respecting the exchange of new loan certificates, or to carry into effect any other legislative provisions; and, Sixthly, Cases in which the President was, by virtue of his office, a patron, or member, of any corporate institution. You will undoubtedly, Gentlemen, provide with all proper dispatch for the exercise of these various powers; and, as many of them are not necessary concomitants of the Executive authority, though now rendered effectual to the regular administration of the public affairs, I am confident that you will make such a disposition of them, as shall be best calculated to accomplish the beneficial purposes, for which they were respectively created.

I cannot leave this subject, Gentlemen, without adding a wish, that your attention may be directed in the course of your proceedings to a general review of the constitution and management of the public offices; particularly of those, in which the accounts of the state are adjusted, and by which its revenues are collected, or received. To facilitate that investigation, I shall transmit to you the copies of letters, which were addressed by the different officers, to the late Executive Council, in compliance with a requisition of the Board: From these you will derive some useful hints for improvements; and I rely upon the wisdom of the Legislature for devising such other arrangements, as will effectually establish order and accuracy, energy and economy, in every subordinate department.

I am happy in being able to inform you from the rep-

representations of the Judges of the Supreme Court, and of the Attorney-general, that the lenity of our penal law has not occasioned any increase of crimes; but that on the contrary, since the adoption of the new regulations, respecting the confinement and labour of convicts, the number of offences has been comparatively few. Some amendments, however, are still wanting to render the administration of justice more easy, certain expeditious; and, for the present, allow me to suggest the utility of legislative provisions for defraying the expence of commitment and removal from one county to another; for bringing fugitive felons from, or sending them to, other states; for securing to officers of justice, to witnesses, and jurors, the payment of their respective fees and compensations; for making it a part of the punishment on a conviction for robbery, or burglary, that the offender should restore the goods stolen, or their value; and for vesting a discretionary power in the respective courts to punish by whipping, or other corporal punishment, such slaves as are convicted of robbery, or burglary, or of manslaughter, instead of confinement, and surety for good behaviour in the one case, and confinement to hard labour in the other: The propriety of which alteration, arises from considering, that the punishment now falls in a great degree upon the innocent master; who, indeed, is fully compensated by law, if the delinquent slave should be executed, but receives no equivalent, if he should be confined during life. In addition to these, it will be expedient to make a provision for the punishment of offences committed during the continuance of the act, for the amendment of the penal law, passed the fifteenth day of September, 1786; and this may easily be effected, by reviving that act (which was incautiously repealed) so far as relates to such offences. You will, likewise, find it necessary to supply the defect, which, in consequence of the alteration of the terms in the Supreme Court, renders it impossible to place a writ of *Capias*, against a person

indicted in a Court of Oyer and Terminer, in the Sheriff's hands three months before the return day, agreeably to the requisitions of the act of Assembly passed in the year 1718, in order to outlaw a capital offender. In what other respects the mode of outlawry might be improved, and how far it might be advantageously extended to cases which are no longer capital, I submit to your judgment and determination.

The very laudable attention which government has hitherto paid to the survey of roads and rivers, is a conclusive proof of the importance of the object, while it furnishes an example highly deserving your imitation. Every day, indeed, produces an additional incentive to persevere in improvements of this kind. The strength of an increased population; the wealth of an extended cultivation, and the commercial policy of ensuring the transportation of our produce from the interior counties to the capital, are all dependent upon the ease and facility of the communications that are established throughout the state; and, when we consider Pennsylvania, not only as the route that actually connects the extreme members of the Union, but as a natural avenue from the shores of the Atlantic to the vast regions of the Western Territory, imagination can hardly paint the magnitude of the scene which demands our industry, nor hope exaggerate the richness of the reward which solicits our enjoyment.

I shall lay before you the reports of the commissioners, who, in pursuance of the act of Assembly, were respectively appointed to explore the Western Waters, and to view the Susquehanna, the Delaware and other Eastern parts of the state. In these reports a very accurate and circumstantial detail is contained; and, it is to be hoped, that an immediate execution of the plans that are suggested, may not be deemed inexpedient.

The subsisting laws, for repairing and improving the public highways, appear in many cases, to be inadequate to those important objects, and will, likewise, require your attention. As it generally happens that the

part of the road, which is most difficult to be kept in good order, lies in mountainous, thinly inhabited, and unproductive districts, I am well informed, that some of the courts have been induced to adopt a very improper expedient for alleviating this inconveniency, by leaving such districts without the bounds of every township; and, thus, they have no supervisors of the highways, nor, indeed, any other township officers, to superintend, or direct, this salutary branch of the public police.

While, Gentlemen, we are thus attentive to the improvement of the natural advantages of our county, I enjoy the most pleasing confidence, that an equal regard will be paid to the interests of science. By the well directed bounty of former Legislatures, uniting with the meritorious diligence of private citizens, seminaries of learning have been dispersed throughout the state; and we have already the satisfaction to behold the University of Pennsylvania, and the College of Philadelphia, rivalling, with a laudable ambition, the scholastic fame of the most ancient institutions. To multiply, regulate, and strengthen, the sources of education, is, indeed, the duty, and must be the delight, of every wise and virtuous government; for, the experience of America has evinced, that knowledge, while it makes us sensible of our rights as men, enforces our obligations as members of society. Under your auspices, therefore, Gentlemen, our fellow citizens may reasonably hope, that every measure will be adopted, which is necessary to establish science on a pure and lasting foundation.

Gentlemen of the Senate and House of Representatives:

As the importance of precedents, and first impressions, will naturally excite your care and circumspection, in the arduous task of organizing our Constitution, it would be superfluous to trouble you upon this

subject, any further than to bring to your view some laws which seem to be particularly necessary. Permit me, therefore, to call your attention to an act for regulating wages and compensations; an act for appointing subordinate officers in the treasury department, collectors, &c., an act for establishing the state judiciary, agreeably to the constitutional outline; an act for fixing districts for justices of the peace; an act for regulating contested elections; an act for taking the enumeration prescribed in the fourth section of the first article of the Constitution; and an act for establishing schools, and promoting the arts and sciences, in one or more seminaries of learning.

Besides these laws, which are immediately suggested by the Constitution, an act providing for the election of Delegates to serve in Congress, will claim an early consideration: Some regulations should be made for disposing of the property belonging to the state in the Islands of Delaware, the present occupants being, as I am informed, desirous of taking out patents and completing their titles, but must be prevented till the terms of sale are prescribed. The survey of the Lake Erie tract of land is returned to Congress, and steps should, likewise, be taken to complete that purchase: A law ascertaining the fees of the officers of Government is much wanted; most of the fees now charged by Sheriffs, and others, depending upon usage, and varying considerably in the different counties: The act of the twenty-fifth of March, 1785, as far as respects the manner of supplying the vacancies that may arise by the death, removal, or disability, of a Commissioner of a county, requires amendment; some provisions should at the same time be made, for calling the Commissioners generally to account, it being alledged that no tribunal now exists, with sufficient power for that purpose: And the High Court of Errors and Appeals, being desolved by the tacit operation of the new Consti-

tution, whether that should be revived, or a similar jurisdiction introduced, you will no doubt determine, when you are deliberating upon a general judiciary system. To the objects thus presented to your consideration, I am induced, by reflecting upon the great portion of the time of the Legislature, which has hitherto been engrossed by private bills for incorporating religious and charitable societies, to suggest, that, perhaps, the expence and inconveniency, resulting from this cause, might be avoided by a law declaring, that any number of citizens uniting for religious, literary, or charitable purposes, forming a constitution for themselves, consonant to the general laws of the state, and approved by certain executive and judicial officers, should, upon recording the articles of their constitution, become to all the legitimate purposes of their association a corporate body: A provision of this nature has existed in a sister state for many years, without injury or complaint.

Though I have already partially adverted to the subject, it may be convenient, Gentlemen, in one collected point of view, to represent to you, that the suspension of the funding tax, and the time limited for exchanging and redeeming the Resolve and Commonwealth money, the paper emission of the twentieth day of March, 1777, and the various certificates issued for horses and provisions, will expire on the first day of January next. The same period is limited for exhibiting claims against the state for supplies furnished, or services rendered, during the war; and, perhaps, under these general descriptions, any outstanding claims of the officers of the Pennsylvania line, for the gratuitous allowance of cloathing, directed by the eighth section of an act passed on the first day of March, 1780, will, likewise, be barred. You cannot, indeed, consider it of too great importance to ascertain all the possible demands against the state: And, as this must be im-

practicable, if it depends entirely on the pleasure of individuals, when they shall exhibit their accounts, I presume, that, after the reasonable and repeated notices which have been given, you will deem it unnecessary to extend your indulgence upon this subject. How far the policy of the preceding observation applies to the limitation which will take effect on the tenth day of April, 1791, for paying, or securing to the state the payment, for lands held, or claimed, by any citizen of the commonwealth, by location, or any other office right, obtained before the tenth day of December, 1776, and yet remaining unpatented, I submit to your judgment. And you will, also determine, whether the same reasons which induced the Legislature to reduce the tax upon writs, issuing from the Court of Common Pleas of Philadelphia county until the thirtieth day of March, 1791, do not still exist in their full force. These I believe, however, are the only objects which, on account of their respective limitations by law, it will be necessary to suggest to your consideration during your present sessions.

With respect to any public papers, which were in the possession of the late Executive Council, or any transactions of that Board, that are necessary for your farther information, such steps shall be pursued, as will enable me shortly to transmit a full and satisfactory communication. In the mean time, I have thought it proper to select (in addition to the documents I have before mentioned) the correspondence and talk, that have taken place between the Council and several Chiefs of the Seneca Nation; and you will be pleased to take into your consideration, the expediency of complying with the request which those Indians have presented for a small loan, and of making a provision for defraying the expences of their journey, and of their entertainment during their residence in this city.

Considering it, likewise, to be a matter of peculiar

importance, I shall transmit the resolutions of Council, respecting the appointment of an Agent to support the claims of the commonwealth, before the Board of Commissioners established to adjust the claims of the several states against the United States; and, I hope, that, concurring in the opinions which were expressed by the Board, you will take the necessary steps for carrying them into effect.

A communication from the Legislature of the State of Virginia, respecting the expediency of admitting the citizens to attend the debates in the Senate of the United States, will at the same time be laid before you.

Gentlemen of the House of Representatives:

I am persuaded that all the objects of revenue which fall within your jurisdiction, will receive a due attention; and that such supplies will be provided for the debts, and for the support of government, as will evince a firm disposition to maintain the faith and reputation of the State.

Gentlemen of the Senate and House of Representatives:

Having stated these different matters of information, and recommended to your consideration the various measures which, at this time, I have judged expedient, permit me to hope, that you will regard this communication, not merely as an act of duty, enjoined by the Constitution; but also as an indisputable evidence of the sincerity of the professions, with which at our first meeting I addressed you.

THOMAS MIFFLIN.

Philadelphia, December 28th, 1790.

To the Assembly transmitting Letters from Certain Indian Chiefs.

Gentlemen:

I TRANSMIT, WITH THIS LETTER, COPIES OF two applications from the Chief of the Seneca nation: The one from Big Tree, requesting a patent for an island in the river Allegany, near Conewangs river, which he has occupied for several years; and the other from Cornplanter, referring to a presumed mistake in running the line of the purchase made at Fort Stanwix, and desiring an equivalent may be paid for the greater quantity of land which has been surveyed in consequence of that mistake. The originals of these, and of the various papers that I shall have occasion to lay before you, will be deposited with the other records of the Executive Department.

I have the honor to be, with the greatest respect,

Gentlemen,

Your most obedient and very humble servant,

THOMAS MIFFLIN.

Philadelphia, January 3d, 1791.

To the Assembly transmitting a statement of orders drawn on the State Treasurer.

Gentlemen:

AS YOU WILL UNDOUBTEDLY FIND IT NECESSARY to make an appropriation for satisfying the immediate pecuniary wants of the Government, I have prepared, and transmit, for your information, a statement, exhibiting the amount of orders, drawn upon the State Treasurer, by the late Executive Council, from the first of October to the twentieth of December, 1790. The sums remaining unpaid upon those orders, the accounts settled by the Comptroller and Register-general, and approved by the late Executive Council, but for which no orders have been drawn, and the ac-

counts settled by the Comptroller-general and Register-general, but not acted upon by Council.

In this statement, however, several debts with which the government is chargeable, for the expences of the Indian Chiefs, and for the repairs of the State-house, are not included, as the accounts, for want of the proper vouchers, have not yet been adjusted.

I am, Gentlemen,

With respect,

Your most obedient servant,

THOMAS MIFFLIN.

Philadelphia, January 7, 1791.

To the Speaker transmitting certain Indian treaties and letters.

Sir:

UPON THE RECEIPT OF YOUR LETTER, RESPECTING the documents and papers on which the claims of the Indians, now in this city, are founded, I directed Mr. James Trimble, in whose custody the records of the late Executive Council have hitherto remained, to deliver to the Clerk of the Senate, for the information of that House, First, The treaty with the Indians, held by the State Commissioners at Fort Stanwix, in October, 1784: And Second, The treaty of McIntoch, in January, 1785.

In addition to those treaties, I transmit copies of the letter on which the visit of the Seneca Chiefs was founded, and of the invitation from the late Executive Council to Corn-Planter, Half-Town, and the New-Arrow; which contain all the information that it is in my power to furnish in compliance with your request.

I have the honor to be, with great respect,

Sir,

Your most obedient servant,

THOMAS MIFFLIN.

Philadelphia, January 18th, 1791.

To the Assembly appointing Alexander James Dallas, Secretary of the Commonwealth.

Gentlemen,

IT IS PROPER TO INFORM YOU, THAT I HAVE this day appointed and commissioned Alexander James Dallas, to be the Secretary of the commonwealth, agreeably to the fifteenth section of the second article of the Constitution,

THOMAS MIFFLIN.

Philadelphia, January 19th, 1791.

To the Assembly concerning the expenses incurred in maintaining the Indians now in the City.

Gentlemen,

THE GREAT CHARGE OF MAINTAINING THE Indians who are now in this city, and a desire to expedite their departure, have induced me to state, as accurately as I can, the amount of their expenses already incurred for their journey and entertainment, and the probable expenses of their return to the nation. This statement I have directed the Secretary to lay before you, and, although it will be necessary for the Legislature to make provision for the whole sum, you will be pleased to observe, that, agreeably to an explanation upon the subject with the Secretary at war, a moiety of the actual disbursements for the travelling expenses and maintenance of the Seneca Chiefs, and necessary clothing, will be credited to the state in account with the United States.

It is with considerable regret that I have beheld the accumulation of the expenses of this Indian visit; but the policy of conciliating the good will of the Chiefs, the expediency particularly of preventing any resent-

ment, on account of the recent murders on Pine-creek, the sudden dissolution of the late Legislative Body of the commonwealth, and other circumstances have rendered it unavoidable. I trust, however, that their treatment upon the present occasion will make a lasting impression, and that the bounty of the state will ultimately be repaid by the peace and security of its frontiers.

THOMAS MIFFLIN.

Philadelphia, January 21st, 1791.

To the Assembly recommending the granting of orders of survey for certain tracts of land as requested by the Seneca Chief Cornplanter.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO LAY before you a copy of a letter from Corn-Planter in which that Chief requests, that orders of survey may be issued for three tracts of land, which were granted to him by a resolution of the General Assembly of the twenty-fourth of March, 1789, but differing in point of situation. From the information, however, contained in a letter from the officers of the Land-office, a copy of which will likewise be transmitted to you, I find that the proposed tracts are unappropriated; and as the resolution referred to, describes lands within the tract of country lately purchased from the United States, which country has not yet been the subject of any legislative provision, in respect to grants, and confirmation by patents, permit me to suggest the propriety of complying with Corn-Planter's request, and of authorizing the officers in the Land-office, to grant the

warrants, direct the surveys, and issue the patents, which may be necessary on the occasion.

THOMAS MIFFLIN.

Philadelphia, January 22d, 1791.

To the Assembly concerning certain projected internal improvements.

Gentlemen:

A GREEABLY TO THE AUTHORITY GIVEN TO the late Supreme Executive Council, by an Act of Assembly, passed on the second of April, 1790, that board publicly advertised, that they were ready to receive proposals from any persons, who would contract to put the banks of Mud Island into good repair, and several offers were accordingly made; but all founded upon an estimate of the expenses, which considerably exceeded the sum appropriated by the Legislature. It is proper, therefore, to bring this object again to view, in order that you may determine upon the expediency of prosecuting it further; and as our experience has shown, that partial and temporary repairs are eventually the most expensive, permit me, if you should at all adopt the measure, to recommend a provision commensurate to a perfect and permanent establishment of the banks, for which, as it was formerly stated in a message from the late Executive Council, and as it will appear by the various proposals, which are to be laid before you, a sum of £1,200 will, at least be required.

By a resolution of the General Assembly of the sixth of April, 1790, the late President and Supreme Executive Council were authorized to purchase a lot of ground, and to erect upon it a magazine for the storage of powder; the Assembly engaging, by the same resolu-

tion, that at the next session, provision should be made for defraying the expenses of the purchase and building. This trust being executed, the Secretary will lay before you an extract from the Minutes of the late Executive Council, and a copy of the general account of the charge for building; from which it will appear, that the price of the lot amounts to £664 14 1 in paper money, and that the other expenses amount to £1,706 3 7 in specie, for which sums the public faith being pledged, it will be proper to make an early provision.

I have already, with pleasure, transmitted to you copies of the reports of the commissioners, who were appointed, in pursuance of a resolution of the General Assembly of the thirty-first of March, 1790, to explore the western waters, and to view the Susquehanna, the Delaware, and other eastern parts of the state; and I have now directed the Secretary to lay before you, copies of the accounts of the expenses which have accrued in executing those respective commissions, amounting to £1,411 5 8.

The sums appropriated by the above Legislative resolution for this purpose, was £600, part of which to the amount of £567 3, has been paid by warrants drawn by the late Executive Council; but after deducting the remainder of the appropriated sum (£32 16 4) there will still be a balance of £811 5 8 due to the commissioners for which I have no doubt you will cheerfully provide the means of payment.

The sum of £150, which was appropriated by the Act of Assembly of the twenty-seventh of March, 1789, for completing the road between the river Susquehanna and the falls of Nescopack and the river Lehigh, at, or near, the Union Saw-mill, has been inadequate to that object, as will appear from a copy of the account rendered by Evan Owen the commissioner appointed to carry it into effect; and, therefore, a Legislative provi-

sion will be necessary for paying the balance of the charge which amounts to £26 10 9.

In addition to these accounts, I shall direct the Secretary to lay before you, as soon as the vouchers can be collected, an account of the expenses incurred for repairing the State House, which I believe will exceed the sum allotted for that purpose, by the resolution of the General Assembly of the twenty-fifth of March, 1789.

THOMAS MIFFLIN.

Philadelphia, January 27, 1791.

To the Assembly approving an act granting a patent to Big Tree, a Seneca Chief.

Gentlemen:

I HAVE THIS DAY APPROVED AND SIGNED AN Act of the General Assembly, entitled "An Act to empower the Governor to grant a patent to Big-Tree, a Seneca Chief, for a certain island in the Alleghany river," and have returned the same to the House of Representatives, in which it originated.

THOMAS MIFFLIN.

Philadelphia, January 29th, 1791.

To the Assembly approving an act granting funds to Certain Seneca Chiefs.

Gentlemen:

I HAVE THIS DAY APPROVED AND SIGNED AN Act of the General Assembly, entitled "An Act for granting eight hundred dollars to Corn-Planter, Half-Town and Big-Tree, Seneca Chiefs, in trust for the

Seneca Nation, and for other purposes therein mentioned," and I have returned the same to the House of Representatives in which it originated.

THOMAS MIFFLIN.

Philadelphia, February 1st, 1791.

To the Assembly recommending a suitable remuneration to Mr. Robert King for his services in bearing dispatches to the Indians at Pine Creek.

Gentlemen:

WHEN THE LATE SUPREME EXECUTIVE Council, received the accounts of the murders committed at Pine Creek, they were exceedingly apprehensive, that a spirit of retaliation would take place, which besides producing the general consequences of savage hostility, might prove fatal to the commissioners, who were at that time employed in exploring the various waters of the state. They thought it necessary, therefore, to proceed with the utmost expedition, in communicating to the Indians, a declaration of the resentment of the government against the supposed perpetrators of the murders, and an account of the measures which were pursued to bring the offenders to justice. For this purpose the Executive Council instructed Col. Wilson, to engage a trusty and intelligent man to bear their dispatches to the Indians, and it appears that Mr. Robert King, notwithstanding the obvious hazard, undertook the charge with cheerfulness, and performed it with such alacrity, propriety and success, that he may be considered as a principal in preventing a war, for which the young men, irritated by the injury offered to their nation, were preparing.

The Secretary will lay before you the account of the actual expenses of Mr. King's journey upon this occasion, with copies of the certificates of Col. Wilson and Col. Pickering, respecting his fidelity in executing the

trust reposed in him. For the expenses and any pecuniary compensation, which the Legislature shall think proper to allow, some provision will of course be made. But I think it likewise just to observe, that in consequence of Mr. King's attempt to prevent the murders (chance having brought him to the spot at the time they were committed) and in consequence of the early intelligence which he communicated to a magistrate upon the subject, and of the active part, which he has since taken to detect the offenders, and to prevent the indiscriminate revenge of the Indians, his life has been menaced, and through the dread of assassination, after the loss of a crop and the dispersion of his family, he is actually obliged to quit the place of his residence, which was on Pine-creek, in the neighborhood of the supposed murderers and their connections. This therefore, may not be an improper occasion to display the bounty of the Legislature, by complying with a request that Mr. King has desired me to lay before you, for granting to him a tract of land, specified in a paper which the Secretary will also deliver, the tract appearing from the certificate of the land officers to be unappropriated.

However great the expense has been of conciliating the Indians at this period, yet, considered as in some degree an expiation of the murders committed on their two brethren, and as the probable price of peace, there will I think, be little occasion to regret it. I am happy to add that upon a settlement with Corn-Planter, Half-Town and Big-Tree, agreeably to the Act of General Assembly, passed on the first of February instant, those chiefs expressed the utmost satisfaction with the liberality of the government, and are preparing for their departure.

THOMAS MIFFLIN.

Philadelphia, February 5th, 1791,

To the Assembly concerning the matter of laying out a State highway between the Frankstown branch of the Juniata and the Conemaugh river.

Gentlemen:

BY AN ACT OF THE GENERAL ASSEMBLY, passed on the twenty-ninth day of March, 1787, the late Supreme Executive Council, were authorized to appoint commissioners to lay out a state highway, between the waters of Frankstown branch of the Juniata and the river Conemaugh, from or near the points on the said river, where they begin to be navigable; and, upon the report of the commissioners, to order a review, or to establish the highway so laid out, as Council should deem proper. I have directed the Secretary to deliver to you, copies of the contract entered into with Mr. Robert Galbraith, for opening a road, agreeably to the terms of the abovementioned Act; and I beg leave to refer to the records of the late General Assembly, for the information respecting the execution of that contract, which was given in writing to the Executive Council, by a member of the board, and transmitted to the Legislature with a message on the thirty-first of August last. The sum of £500 was appropriated for defraying the expenses incurred upon this occasion; but, it appears from a statement made by the Comptroller-general, of the amount of the sums paid to the commissioners for their services in exploring the ground, and from a statement rendered by Mr. Galbraith, of the amount of his charge for laying out the road, that a further provision will be necessary on the part of the Legislature, amounting to the sum of £202 2 3.

THOMAS MIFFLIN.

Philadelphia, February 9th, 1791,

To the Assembly Concerning a memorial from certain officers in the late Pennsylvania line regarding the distribution of lands on the border.

Gentlemen:

I HAVE RECEIVED A MEMORIAL FROM CERTAIN officers in the late Pennsylvania line, in which it is represented, that the Deputy Surveyor of the tenth district of the donation lands, has made one hundred and forty surveys amounting to thirty-two thousand six hundred and fifty acres over the real boundary of Pennsylvania, into the territory of New York, and that these surveys being numbered and put into the wheels of the lottery, which was established for distributing those lands, have fallen to the lot of the memorialists. To this representation they have added a request that they may now be allowed to locate their respective numbers on such lands in the donation district as they may be able to find unappropriated. I have therefore directed the Secretary to lay before you a copy of the memorial, that you may determine what measures are proper to be adopted upon this occasion

THOMAS MIFFLIN.

Philadelphia, March 3d, 1791.

To the Assembly recommending an act regarding suits Against the Commonwealth and presenting a memorial from Rev. David Jones.

Gentlemen:

THE REVEREND MR. DAVID JONES, HAVING been unsuccessful, in repeated applications to the late Supreme Executive Council, with respect to his right to a commutation of five years full pay, under a resolution of the General Assembly, passed on the twenty-second of December, 1784, has requested me to pursue some measures for finally deciding his claim.

I think this therefore a proper occasion to recommend to your consideration, that part of the eleventh section of the ninth article of the Constitution, which provides, that "suits may be brought against the commonwealth, in such courts and in such cases, as the Legislature may, by law, direct." A general act upon that subject will be the means of facilitating the duties of the Executive Department, and must be at once satisfactory and conclusive in determining the doubtful pretensions of individuals against the government.

If the Legislature should be of opinion, however, that Mr. Jones's case deserves their particular interposition, the documents necessary for information will be found among the papers which were transmitted with my address to the Senate and House of Representatives, on the twenty-eighth day of December last.

THOMAS MIFFLIN.

Philadelphia, March 11th, 1791.

To the Assembly concerning certain communications
from the Bank of North America.

Gentlemen:

THE SECRETARY WILL LAY BEFORE YOU copies of a resolution of the board of Directors, and of a letter from the President of the Bank of North America, containing a proposition that certain certificates of the United States, which are the property of Pennsylvania, may be deposited in the Bank, and an authority given to the Directors to collect the interest, as it becomes payable, for the use of the state. How far the adoption of this measure will facilitate the pecuniary operations of our government, I submit to your judgment; but I am confident, gentlemen, that you will be happy in affording every legislative aid and coun-

tenance, that is consistent with the honor and interests of your constituents to an institution which has rendered essential services to the Union, in the most critical periods of the revolution, and which promises to be of lasting advantage to the commerce, agriculture and revenues of Pennsylvania.

THOMAS MIFFLIN.

Philadelphia, March 14th, 1791.

To the Assembly recommending a provision to avoid the expense of advertising the tax list of unseated lands.

Gentlemen:

THE CHARGE OF ADVERTISING THE TAX list of unseated lands has become so enormous, that I deem it my duty to lay before you, copies of the account of Francis Bailey, the printer employed on the occasion, as it has been certified by the Treasurer, examined and settled by the Comptroller-general and Register-general, and approved by me; in hopes, that in your wisdom, some expedient may be devised for preventing the continuance of so expensive a practice. Whether the amount is ultimately to be paid by the public, or by the individuals according to their respective interests in lands, a reformation is equally necessary; for where arrears are due, the charge has been found, in most cases, to exceed the quantity of the tax, and, in many cases, the value of the land.

THOMAS MIFFLIN.

Philadelphia, March 26th, 1791.

Further message to the Assembly concerning the errors in laying out the boundaries in the tenth district of the donation lands.

Gentlemen:

IN ADDITION TO THE REPRESENTATION which I made to you on the third of March last, respecting the particular error in laying out the boundaries of the tenth district of the donation lands. I am requested by the officers of the late Pennsylvania line, to lay before you the information that they have received of the general inaccuracy of the surveys of the whole tract. As I am confident that the liberal motives which originally prompted the Legislature to make this grant, will influence you to take every step that is necessary to carry it into effect, I have directed the Secretary, with this message, to deliver copies of the several documents that relate to the subject.

THOMAS MIFFLIN.

Philadelphia, April 2d, 1791.

To the Assembly concerning the presentation of the claims of the State against the United States.

Gentlemen:

AS THE ACTS OF CONGRESS TO PROVIDE more effectually for the settlement of the accounts between the United States and the individual states, limits the time for receiving and examining the claims of the several states, to the first of July next; I have been anxious to obtain satisfactory information from the Comptroller General, relative to the measures which have been taken to prepare the accounts and vouchers for supporting the claims of this commonwealth against the Union, and at what period the busi-

ness would be compleatly ready for the examination of the Commissioners. The answer of the Comptroller General to my enquiries upon this subject, I think it proper to lay before you, for, although that officer seems confident that the claims of Pennsylvania will be exhibited within the limitations prescribed by the act of Congress; yet, he has been in this respect, so repeatedly urged by the late Supreme Executive Council, and such repeated disappointments have already taken place, owing to the pressure of his other official duties, that I am apprehensive he may again be defeated in his expectations and then the injury to the public interest will probably be irretrievable.

Having, Gentlemen, in pursuance of my duty, given you this information, I leave it to the wisdom of the Legislature to take any precautions which the importance of the subject shall require.

THOMAS MIFFLIN.

Philadelphia, April 4th, 1791.

To the Assembly concerning a loan from the Bank of North America for the use of the Commonwealth.

Gentlemen:

IN PURSUANCE OF THE AUTHORITY AND INjunction of an act of the General Assembly, I have opened a negotiation with the bank of North America, for obtaining a loan of sixty thousand pounds, for the use of the commonwealth, but as the Directors of that institution have suggested a difficulty, I have thought it proper to suspend my proceedings till the Legislature has determined upon the subject, and, for that purpose the Secretary will lay before you the letter which I addressed to the bank and the answer which I have received.

THOMAS MIFFLIN.

Philadelphia, April 7th, 1791.

To the Assembly concerning the State of the Commonwealth.

Gentlemen of the Senate and House of Representatives.

I AM HAPPY IN ADDRESSING YOU AT THIS period, while the beneficial effects of the establishment of the public credit of the United States yield a conclusive evidence of our national prosperity; and the leisure afforded from your private avocations, by an early and abundant harvest, will enable you to renew your public labors, with the same zeal and alacrity which distinguish the legislative proceedings of your last session. The measures that were then taken to preserve the faith of the commonwealth, to promote the administration of justice, to protect our fellow-citizens on the frontiers, from the depredations of the hostile Indians, to explore the various channels of communication between the navigable waters of the state, and to cultivate the general means of social intercourse, by multiplying and improving the public roads, have furnished a subject for universal applause, and cannot fail to awaken the gratitude of your country.

As success in prosecuting these great objects, is the natural reward of the patriotism by which they were suggested, I inform you, with peculiar satisfaction, that during your recess, I have concluded contracts for improving the navigation of the rivers Delaware, Schuylkill, Lehigh and Lechawaxen; for opening and improving the roads from Wilkes-barre to the Wind Gap, from Keplinger's mill to the Susquehannah; from Catawessy to Hamburgh, from Middle Creek to Grubb's furnace, from Daniel Titus's to Poplar Run; and for opening and improving the roads through the Long Narrows, through Jack's and Igow's Narrows and through the Canoe Narrows. Before I formed these contracts, I referred the various proposals to agents of information, whom I had appointed, agreeably to the

act of Assembly, with instructions to consider and report, either upon the knowledge that they had previously acquired, or upon a view and examination expressly for the occasion, how far the plans that were presented to me, corresponded with the intention of the Legislature, and whether the greatest advantage would be obtained by their adoption, which might reasonably be expected to proceed, from a judicious application of the respective sums appropriated by law. To this precaution I have added an enquiry into the character, situation, and circumstances of the parties and their sureties; and the result justifies me in declaring my perfect confidence, that the trust, reposed in the several contractors, will be executed with skill, and fidelity; to their honor, and to the advantage of the public. Of the terms of the respective contracts, and the state of the accounts that relate to them, you will receive full information from the books directed to be kept by law, and which will be presented for your inspection, by the Secretary of the commonwealth, whenever you shall please to require it.

There are yet under consideration proposals of a favorable description, for executing many of the other improvements specified in the act of Assembly, particularly those respecting the navigation of the Susquehanna and the Juniata; but no overtures have been made for undertaking any of the objects that are enumerated in the proclamation, which I issued in compliance with your joint resolution of the fourth of April last. I have, however, concluded a contract for repairing the banks of Mud Island, and the progress of the work (which I have examined in person) affords the greatest reason to believe that the sum allowed by the Legislature (with, perhaps, a small addition, to put into good order a part of the wall, erected about two years ago) will be so faithfully applied as to be the

means of establishing a permanent barrier against the encroachments of the river.

Upon the subject of the improvement of our roads and inland navigation, you have manifested so liberal a disposition, that I am confident you will cheerfully take every proper opportunity for extending and improving the plan which is delineated in the late act of Assembly. Permit me, therefore, to remark, that more certainty and facility would, probably, be attained in discharging the duty which devolves on the Executive, if a power of surveying and laying out the proposed roads by courses and distances, previous to the formation of contracts, were more clearly delegated, and if greater latitude were allowed where companies or individuals, though not willing to enter into specific contracts, would undertake generally, for a small compensation, that the several sums should be expended in accomplishing, as far as it is practicable, the purposes of their appropriation: Till, however, the benefits of what you have done are felt and secured, it would, perhaps, be improper to express a wish, either that you should extend your view to other objects of the same nature, or that you should encrease the amount of the fund which you have already established: But on this point I rest satisfied, as your example must excite the emulation of every succeeding Legislature, and the rising value of the public property will accumulate the means of encouragement and enterprize.

In pursuance of the directions contained in an act of Assembly, I have obtained a loan of sixty thousand pounds from the Bank of North America, for the use of the commonwealth. The terms of the loan are specified in the contract with the President of that institution, a copy of which I have directed to be laid before you; and you will find, from the statement of the public accounts, that there has already been received from this resource, the sum of forty-five thousand pounds.

Although one year is the period allowed for a re-payment of the money, I think it necessary, on account of the great change in the value of the public debt of the United States (the evidences of which, to the amount of two hundred thousand dollars, are deposited with the bank, as a collateral security) to suggest the expediency of taking immediate measures, by the sale of a sufficient quantity of stock, to discharge the sum that has been received, and to prevent the necessity of drawing for the remainder.—This will relieve the state from a considerable charge for interest, which is payable at the rate of six per cent. on the loan, and cannot, I believe, be attended with any public inconvenience, as our claims upon the Treasury of the Union will probably produce a supply in season to answer the expenses of government; and the funds established to discharge the other public obligations may be rendered, upon better terms, productive and efficient.

The arrangement which you made for discharging the legislative grant to the late Proprietaries, has been carried into effect as far as relates to the exchange of warrants issued by the Supreme Executive Council, for new warrants, payable in the 6 per cent. stock, and the agent of Messrs. Penn having declared his entire acquiescence in the propositions, as well for the extinguishment of the arrearages on the installments already due, as for the final liquidation of their claim, a very few days will probably close the transaction with great credit to the state, and advantage to the parties.

The frequent depredations committed on the western frontiers of the state having induced you to make an adequate appropriation of money for repelling the invaders, I wrote to the Lieutenants of the counties of Allegany, Washington, Westmoreland, Fayette and Huntingdon, instructing them, in the first instance, to employ a proper number of men, drafted from the militia under their respective commands, as spies upon

the motions of the hostile Indians; and, eventually, as it became necessary to encrease this force, by similar drafts, in proportion to any danger that might threaten. At the same time I obtained a loan of arms and ammunition from the magazine established by the United States, at Fort Pitt, and ordered a fair distribution to be made of these, among the several counties which were exposed to actual violence.

On this occasion, however, I did not omit paying a due attention to the military preparations that were making under the authority of the United States; and you will find from the documents which will be submitted to your persual, that, while on the one hand I was anxious to put an immediate stop to the cruelties exercised by a savage enemy upon the defenceless families of our fellow citizens, I was determined, on the other hand, to avoid even the appearance of interfering with the plans and operations of the Union, by directing that all proceedings under my instructions should be discontinued the moment that the force of the general government could effect the defence and security of the quarter which was annoyed.

From the report of the Comptroller-General, it will give you pleasure to understand, that the claims of Pennsylvania against the United States, were exhibited to the Board of Commissioners, established to examine and settle them, within the period limited by the act of Congress; and the Commissioner appointed for the purpose of superintending that examination and settlement on behalf of the state, has informed me, that, although the business is not yet sufficiently digested to admit of perfect accuracy, he has reason to concur in the statement of the Comptroller, which calculates the present balance in favor of Pennsylvania, to be about fourteen millions seven hundred and thirty-five thousand two hundred and fifty dollars.

Copies of the papers on this subject, and of those which relate to the Commissioner's negotiation with the Secretary of the Treasury of the United States, for the redemption of the outstanding balance of dollar money, will be transmitted for your consideration, and, I hope, that, before your adjournment, I shall be able to communicate to you the completion of the contract formed with the United States, for the purchase of the triangular tract of land on Lake Erie; which has hitherto been suspended by several unavoidable accidents.

Having, thus, Gentlemen, represented the actual situation of the most important objects, which were contemplated by the laws passed at your former session, permit me to engage your attention, with the recapitulation of some circumstances which have occurred since that period, and which it is proper to bring to your view, as matter, either of useful information, or requiring legislative interposition.

A short time previous to your adjournment, I received authentic accounts from the Secretary at War, that several friendly and inoffensive Indians had been murdered on Beaver Creek, and these accounts were accompanied with an earnest request that the Executive authority of Pennsylvania, might be exerted to apprehend and punish the perpetrators of the crime, who, it appeared, were inhabitants of the state of Virginia. The hostile aspect of the tribes, bordering on the frontiers of the Union; the painful prospect of thus multiplying the number of our enemies; the anxious with universally entertained for the restoration of peace; the calamities to be expected from a savage indulgence of the spirit of retaliation; and, in short the atrocity of the transaction itself, pointed out the necessity of pursuing such measures, as would, at once, evince the justice, humanity and energy of our government, appease the resentments of the injured Indians, and bring the culprits within the power of the law.

With this design, therefore, I immediately published a proclamation, concisely stating the offence, and offering a reward for discovering and securing the persons by whom it was committed. And having, with all possible expedition, ascertained the names of some of those persons, upon the oaths of two credible eye-witnesses of the fact, corroborated by the information of many respectable citizens, I made a demand upon the Governor of Virginia, agreeably to the provisions contained in the Federal Constitution requiring that they should be delivered up as fugitives from the justice of Pennsylvania.

It is with satisfaction I inform you, that our sister state gave a prompt and liberal attention to this demand; and that the grand inquest of the county of Allegany, in vindication of the laws and justice of their country, have returned a bill of indictment against the offenders; but, notwithstanding my proclamation, aided by the offer of an additional reward on the part of Virginia, and the exertions of the civil authority, grounded upon the prosecution which has been commenced, our pursuits have hitherto been unsuccessful in its immediate object; though, I have reason to believe, it has produced very beneficial consequences in preserving the confidence and good-will of the Indians who were in amity with the Union, but had been at first alarmed and enraged by the extraordinary circumstances that attended this outrage.

I regret that another occasion has likewise compelled me to address the Executive of Virginia with a similar requisition; and I regret it not only on account of the trouble which is incidental to the business, but on account of the doubts which it has produced upon a constitutional question, of a nature equally important and delicate. I have directed the Secretary to lay before you transcripts from the records of a Court of Oyer and Terminer, by which it appears that several persons

were indicted in the county of Washington, for forcibly carrying off a free negro; with the intent to detain or sell him as a slave in another state, in violation of a positive act of Assembly, which renders such conduct highly criminal.

Having received information that induced me to believe, that these offenders had taken refuge in Virginia; and being urged by the Society for the gradual abolition of slavery, to make a demand that they should be delivered up to answer the charges against them, I applied to the Governor of that state upon the subject, and transmitted to him copies of the documents, with which I was at that time furnished. You will perceive, Gentlemen, from his answer, and the opinion of the Attorney-General of Virginia, which accompanies it, that objections were opposed to a compliance with my requisition upon these grounds:—That all the necessary formalities had not been observed in making it; that there was no defect in the jurisdiction of the state, upon which the demand was made, or at least, that there was no exclusive jurisdiction in this state to punish the offence; and that, independent of these considerations, the compliance of the Executive of Virginia must be suspended, until some additional provisions, by law, should prescribe the mode, and authorize the arrest and surrender of the offenders. In consequence of these difficulties, and with an anxious desire to remove every source of controversy, I took measures for a scrupulous adherence to the forms which were expected; I transmitted an extract from the act of Assembly on which the charge was founded, to the Governor of Virginia, contending at the same time for the exclusive jurisdiction of Pennsylvania, in the case of a crime which was committed within her territory, and which, in its characteristics and in its punishment, depended solely on her laws; and, having stated the circumstances to the President of the United States, I in-

timated a wish that the expediency of establishing a general regulation for carrying so effectual an article of the federal constitution into effect, might be submitted to the wisdom of Congress, at their next session. As you will have an opportunity of considering the whole of the correspondence upon this subject, I trust you will think that, while my proceedings have been regulated by a due regard to the dignity and rights of the commonwealth, they have not been wanting in a sincere respect for the sentiments of a sister state, but were calculated to avoid all invidious and unprofitable altercation.

You have undoubtedly, Gentlemen, heard some accounts of the recent murder of Mr. Arthur Erwin, in the county of Luzerne. This cruel act was attended with such circumstances of dark and deliberate malice; it was perpetrated in a manner so secret and clandestine; and it originated in so daring a disregard of our laws and government, that every exertion, in my opinion, became necessary, in order to discover the murderer, and to secure him for the purposes of public justice. I have therefore issued a proclamation, and offered a reward for apprehending him; but it is proper, on the present occasion, to observe, that however expedient and unavoidable this extraordinary interference of the Executive Power may sometimes be, there is no fund appropriated to discharge the pecuniary obligation, which it eventually incurs. For such contingences, therefore, and for the other incidental expenses of the department, you will be pleased to take into your consideration, what general provision ought to be made.

The accounts which were received through the European Newspapers, and other channels of information, having circulated an idea that a fatal and infectious disorder raged in some of the ports of Ireland; and our constant commercial intercourse with that kingdom exposing Philadelphia to imminent danger of the in-

roduction of the pestilence, a general alarm prevailed among the inhabitants, which was encreased by the supposed defect of authority to compel vessels (unless the number of their passengers amounted to forty, or unless persons known to be actually sick were on board) to submit to an examination, or perform a quarantine before they approached the city. I did not hesitate, however, under these circumstances, to require the Master Warden, to inform all the pilots of the port, that vessels of any description arriving immediately from Ireland, were not to be conducted higher than Province Island, until they were severally visited, and permitted to proceed by the Health Officer and attending Physician. But as the public apprehension soon subsided, I revoked my instructions on the subject. It only remains, therefore, to consider the occurrence, as affording an intimation of the propriety of giving explicitly, a legislative sanction in future emergencies of the same kind; and should this lead to a general review of the department of the Health-office, you will find, from the representations of the present officer, that in other respects it is susceptible of great improvement.

But, Gentlemen, I am aware that you will be desirous to render your present session as short as a faithful discharge of your duty to your constituents will permit; and consequently I shall avoid pressing upon your attention any objects of legislation that can safely be postponed. An immediate revision, however, of the act for establishing the judiciary system, seems to be indispensable; for in the institution of the High Court of Errors and Appeals, the earliest meeting is appointed on the second Monday in July next; a delay, which will not only be inconvenient to the suitors whose causes are now depending, but may produce a mischievous obstruction in the stream of justice, as doubts are entertained by lawyers of eminence, whether any writ of error can legally issue till the actual sitting of

the court. When you are deliberating upon this point, I wish it likewise to be considered, whether, from the nature of the jurisdiction and the constitution of the tribunal, it would not be attended with some advantage expressly to authorize the appointment of a President; which station, under the former law, was allotted, *ex-officio*, to the President of the Supreme Executive Council. You will find it necessary, at the same time, to supply an omission in the act which provides for an appeal from the Register's Court, but not for an appeal from the Register himself, although many wills are proved, and many letters of administration are granted before him, of which the Register's Court does not take cognizance; and the allowance of appeals, in both cases, ought to have relation to past, as well as to future decisions.

I cannot leave this subject without observing, that, in organizing the judiciary department, I have succeeded much beyond the expectation which I had allowed myself to form; for I anticipated difficulties from a variety of causes, but particularly from an apprehension that the compensation of office was not sufficiently great to induce men of talents who were in the full enjoyment of professional honors and emoluments, to relinquish their private pursuits for the public service. And you, indeed, will decide, Gentlemen, how far this sentiment should still lead you to re-consider the provision which has been made for the Judges of our courts; since to obtain, and to insure a wise, virtuous and independent administration of justice, must constantly demand the care and merit the rewards of government.

Among the many other important matters, which were under your consideration during the last session, permit me particularly to remind you, that the election of a Senator, to represent the commonwealth in Congress, cannot properly be postponed; that a provision for disposing of the public islands in the Dela-

ware, is greatly wanted; that additional regulations for giving full operation and effect to our penal code, would, at this time, be highly serviceable; that a law to prescribe in what cases actions may be brought against the state, and how they shall be prosecuted, must put an end to much unnecessary trouble, and satisfy the anxiety of individual claimants; that a general fee-bill is requisite to establish uniformity, and to prevent opportunities of extortion in the public offices; and that a more perfect system for the department of accounts, is essential to the introduction of order, energy and responsibility in the collection of the public revenues, and the management of our finances. Some amendments in the bankrupt laws, and in the institution of the office of the Wardens of the Port, would likewise be beneficial; and the article of gun-powder, as well with respect to its storage, as to its manufacture, becomes daily more deserving of your attention. The Superintendent of the magazine has informed me, that of four thousand eight hundred and fifty-eight quarter barrels, which have been deposited under his care since the first day of January last, only three hundred and seventy barrels were imported; that the supply from our mills already greatly exceeded the domestic consumption; and that although some complaints are now justly made, the quality of the powder manufactured in Pennsylvania, might be rendered, under proper regulations, equal to any that is produced in Europe. The statement with which I have been furnished on this subject, shall be transmitted for your farther information, and you will be pleased to make provision for disposing of the old powder magazine, which is now useless to the public.

Gentlemen of the House of Representatives:

I have directed the Secretary to lay before you, from the reports of the Comptroller General and the Register

General, a statement of the public accounts, from the first of October in the last, to the first of August in the present year; from which you will perceive that there is a considerable sum in the several emissions of paper money collected at the treasury, and ready, as soon as you shall order, to be cancelled and destroyed. The statement will likewise present you with a detail of the balances of the bills of credit, and of the state certificates, that are still in circulation; with an account of the Continental certificates and indents received, and yet to be received by the Treasurer from the Comptroller General, and of the stock produced, and yet to be produced, by subscribing them to the loan proposed by Congress, with a state of the debts of Pennsylvania, assumed by the United States; with an estimate of the expenses of government for a year; with a valuation of the active property belonging to the state, amounting to one million three hundred and seventy-seven thousand four hundred and ninety-four pounds, five shillings; and with an enumeration of the debts which she owes, amounting to five hundred and ninety-nine thousand nine hundred and fourteen pounds; eighteen shillings and five pence.

From this comprehensive view of the public obligations and resources, it will appear that the amount of the former, payable on or before the first of October, 1792, is two hundred and thirty-four thousand two hundred and fifty-seven pounds, twelve shillings and five pence; and that the amount of the latter, which will probably be productive in the course of the same time, is one hundred and forty-five thousand and twenty-nine pounds, nineteen shillings and ten pence; leaving at that period a balance against the state of eighty-nine thousand two hundred and twenty-seven pounds, twelve shillings and seven pence. Again adverting to the value of our claims on the Union, and feeling a solicitude to exonerate the commonwealth from the

burden which she, unnecessarily perhaps, sustains, I am induced to recommend to your serious consideration, the expediency of disposing of the deferred stock of the United States, the property of this state; the proceeds of which (agreeably to the representation of the Register-General) would, at the present market price, free Pennsylvania from every pecuniary embarrassment, completely and honorably satisfy her creditors of every description, and leave her in possession of an unencumbered revenue, amply sufficient for the support of government, and the prosecution of every useful and patriotic undertaking.—The difference in the value of the three per cent. and six per cent. stock, may likewise be thought to present a favorable opportunity to gain an increase of one per cent. in the interest payable to the state, by selling the former, and vesting the proceeds in the latter fund. But whatever may be your opinion with respect to these particular propositions, I am confident that all your fiscal arrangements will be directed to advance the rising credit, to maintain the dignity, and to ensure the happiness of the commonwealth.

Gentlemen of the Senate and House of Representatives.

With the various papers to which I have referred on the present occasion, you will receive copies of the laws of the United States, and of the journals of the two Houses of Congress; and I have directed a letter which is addressed to the Representatives of the People of Pennsylvania, from the National Assembly of France, to be delivered to the Speaker of the House of Representatives.

Having taken measures to procure, I hope I shall shortly be able to lay before you an accurate report of the state of the militia, and of the public arms, in the different counties, together with a summary of the

whole expense lately incurred for the defence of the western frontiers, which I can only state at present as it respects the supplies sent from Philadelphia.

From our anxiety on this point, indeed, the success of military expeditions to the southward, and of amicable negotiations to the northward, under the auspices of the Federal government, will probably relieve us, at the close of the present campaign.

Feeling it to be the duty of every magistrate, in a free republic, to render a fair and open account of his conduct, I trust, Gentlemen, that no apology will be required for detaining you so long; particularly as it is my most sanguine wish, that our fellow citizens should uniformly have caused to believe that the plans devised by your wisdom for the public good have been executed with diligence and fidelity.

THO. MIFFLIN.

Philadelphia, August 24, 1791.

To the Assembly concerning the Navigation of the Delaware, the Huntingdon-Mifflin Boundary, and a memorial from certain Officers of the late Flying Camp.

Gentlemen:

I THINK IT PROPER TO LAY BEFORE YOU THE representation which I have received from one of the contractors employed in improving the navigation of the Delaware, respecting the encroachments which are made upon the stream of that river, and by which the exertions of the state may eventually be defeated. I have written to the Governor of New Jersey, requesting, that, as the interest of that state, as well as of Pennsylvania, is concerned, some measures may be taken to co-operate in preventing the mischief which is

apprehended on this occasion; and I shall transmit the documents in my possession to the Attorney General, with instructions to prosecute any person, who has, in this respect, offended against the existing laws. But, as it appears expedient, that the Legislature should make some more effectual provisions to remove the nuisances, and to discover and punish the delinquents, I trust you will give an early attention to the subject.

The information which I have received from Mifflin and Huntingdon counties, renders it necessary to point out the establishment of the boundary line between them (which has not been effected though directed by law) as an object that claims immediate consideration; for, the controversies respecting jurisdiction daily increase in that quarter, and have been accompanied with acts of tumult and violence.

I have directed the Secretary to take this opportunity of laying before you a memorial from certain officers of the late flying camp, who languished for some time in captivity, and who solicit that the legislative grant of cloathing may be extended to them as well as to the other officers of the army. A representation from the trustees of the hospital at Province Island, respecting the public pier at that place; and a request from the city commissioners, that provision may be made for paving the foot-way opposite to the State-house square, will likewise be presented for your information.

THO. MIFFLIN.

Philadelphia, September 7, 1791.

To the Assembly urging the settling of the line between Huntingdon and Mifflin Counties.

Gentlemen:

THE MEMORIAL WHICH I HAVE DIRECTED the Secretary to lay before you will confirm the representation that I have made, respecting the controversies that exist between the inhabitants of the counties of Huntingdon and Mifflin, and renders it necessary to repeat my earnest wish that the line of jurisdiction may be settled without delay.

THO. MIFFLIN.

Philadelphia, September 12, 1791.

To the Assembly concerning the late acts of violence in Mifflin County and urging the settling of the line between the same and Huntingdon County.

Gentlemen:

IT IS WITH INFINITE REGRET, THAT I FIND occasion to lay before you certain documents, from which it appears, that a number of the inhabitants of Mifflin county lately assembled, in a lawless and tumultuary manner, with a design to interrupt the administration of justice, and to offer violence to the person of one of the Associate Judges of the Court of Common Pleas, while in the actual discharge of his official duty. As I observe, that several persons have been principally engaged in this riot, whose obligations as public officers, whose interest as citizens, and whose reputation as men of candor and understanding, promised a different conduct, I indulge a sanguine hope, that peace and harmony among the inhabitants and a due obedience to the laws of the commonwealth, have been restored, by the opportunity, which has already

occurred, for reflecting upon the illegality, the impropriety, and the danger of the proceeding: but, at the same time, it is necessary to add, that the circumstances of the case, and the other symptoms of dissatisfaction, which have been recently represented to you, respecting the boundary between Mifflin and Huntingdon counties, will not admit of a total reliance on this hope, but require that immediate and vigorous measures should be taken to establish and maintain the authority of government, should it continue to be opposed. With this view, therefore, I shall exert the constitutional powers of the Executive, and, I am confident, if you are of opinion, that any legislative aid may be wanting on the occasion, you will cheerfully and liberally afford it.

THO. MIFFLIN.

Philadelphia, September 21, 1791.

To the Assembly Concerning certain representations
from the Comptroller and Register General.

Gentlemen:

THE COMPTROLLER AND REGISTER GENERAL having suggested, that a difficulty occurs in executing the law which directs certificates to be issued to the state creditors for the difference between the amount of their respective claims assumed by Congress, and the sum for which the faith of the commonwealth stands pledged, I have directed the Secretary to lay before you copies of their representations upon the subject, which, in my opinion, will require an early consideration.

As the present suspension of taxes affords a favorable opportunity to adopt and prosecute an energetic plan for collecting the arrearages (which form, in every

official estimate, an important part of the public resources, but which have hitherto greatly disappointed the expectations of government) I am induced, even at this late period of the session, to transmit to you copies of the representations of the Comptroller General, from which it appears, that the legislative aid will probably be necessary to correct a defect in the mode of settling the duplicates of collectors, and to rectify the neglect of the commissioners in making certain assessments.

THO. MIFFLIN.

Philadelphia, September 26, 1791.

To the Assembly Concerning the purchase of the Lake Erie tract.

Gentlemen:

AS THE TIME OF YOUR ADJOURNMENT APPROACHES, I think it proper to inform you, that, although I have used all the dispatch in my power, I have not been able to complete the purchase of the Lake Erie tract. The difficulty which, at present, suspends this desirable object has arisen from a difference of sentiment between the Comptroller of the Treasury of the United States and the Comptroller General of Pennsylvania, respecting the mode of paying the stipulated price; and, upon this difference of sentiment, I have taken the opinion of the Attorney General, a copy of which the Secretary will lay before you.

The opinion of the Attorney General, corresponding with my own upon the subject, I mean to adhere to the principles upon which it proceeds; and should the opposition at the Treasury of the United States continue I shall think it my duty to leave the question to the decision of some competent tribunal; or, at least, to sus-

pend the negotiation till I can receive your sanction, for deviating from what I consider to be the terms of the contract.

THO. MIFFLIN.

Philadelphia, September 28, 1791.

Further message to the Assembly concerning the purchase of the Lake Erie tract.

Gentlemen:

IN ADDITION TO THE COMMUNICATION WHICH I yesterday made, respecting the state of the negotiation for completing the purchase of the Lake Erie tract of land, I have directed the Secretary to lay before you a copy of a letter which I have just received from the Secretary of the Treasury of the United States upon the same subject.

THO. MIFFLIN.

Philadelphia, September 29, 1791.

Opening address to the Assembly, 1791.

Gentlemen of the Senate and of the House of Representatives:

WHILE YOU ARE THUS CONVENED, IN order to transact the legislative business of our country, I cannot, I think, more properly introduce to you the subject of my address, than by adverting to the conduct of the late General Assembly, as furnishing an honorable example for imitation, and to the prospect of public happiness that lies before us, as affording a powerful incentive to diligence and patriotism. By the labour and wisdom of your pre-

decessors, many of the constitutional principles of our government have attained their practical use and effect. The wealth of the community has been successfully applied to its proper objects, the maintenance of public credit, and the advancement of public convenience. A system of jurisprudence, at once comprehensive and beneficent, has been established; and, at the very moment that the sanguinary denunciations of the Penal Code have been expunged, its operation, in correcting and reforming, has been experimentally ensured.

The consequences of this enlightened policy, uniting with the temperate and industrious habits of our constituents, and the natural advantages of the soil and climate which we enjoy, present to your view a state of agriculture, commerce and arts, that may fairly awaken the pride, and must elevate the hopes, of every virtuous citizen. The contribution which Pennsylvania yields to the treasury of the Union, forms a competent evidence of the extent and emoluments of her trade. The rapid increase of her population, and the abundant supplies which she accumulates for foreign, as well as for domestic markets, will demonstrate the active and productive condition of her husbandry; and innumerable proofs arise in her cities, towns, and villages, to display a general diffusion of useful knowledge, and the cultivation of every art, which is necessary, or ornamental, in society.

To preserve and improve the blessings of the situation which I have described, is the trust, Gentlemen, confided to your care; and, as it is reasonable to presume that the expectations of our constituents will be raised, in proportion as this task has been facilitated, permit me to renew, at the present period, the most faithful assurances that your various exertions for the

public good will receive all the aid, which it is in the power of the Executive to bestow.

Contemplating the many important points that engaged the attention of the preceding General Assembly, you will perceive, Gentlemen, that the consolidation of the revenues, and the exoneration from the pressure of the debts of the commonwealth, deserve to be peculiarly distinguished, on account of the beneficial effects which they have already produced: for the public resources, moulded into one aggregate fund, have been rescued from that confusion, which partial appropriations of specific branches, together with a tardy and precarious collection, had unavoidably occasioned; while the means that were directed to be employed, for the satisfaction of the public creditors, have given celebrity to our new government, and amply provide, at the commencement of the ensuing year, for the extinguishment of all the pecuniary obligations of the state, except those resting on the principal of the funded and depreciation certificates. It will add to your pleasure on this occasion, to observe, from the report of the sales of stock which the Secretary is directed to present to you, that great precaution was taken to prevent a depreciation of the credit of the United States, which might have happened from too suddenly overcharging the market; and our success, in this respect, will be obvious, from the high price that has been obtained. Considering, indeed, that the authority to dispose of stock, was intended merely as an auxiliary to our specie funds, and desiring, as far as possible, to avoid the diminution of a productive capital, I have thought it expedient to charge as many objects upon the money actually in the Treasury, as was consistent with the regard which the law prescribes for previous appropriations. Under these considerations, therefore, you will find, that the quantity of deferred stock which has been sold, amounts to one hundred and sev-

enty-nine thousand five hundred and thirty dollars; that the quantity of three per cent. stock which has been sold, three hundred and four thousand five hundred dollars; that the proceeds of the sales of both, amount to one hundred and sixteen thousand one hundred and sixty-nine pounds seventeen shillings and two pence; and that this sum is to be applied to the payment of all the interest due, or which must become due on the first day of January next, upon the funded and depreciation debt; to the payment of the arrears of interest on the new loan debt; and to the repayment of the loan of sixty thousand pounds, which was borrowed from the Bank of North America. To relieve the state from the accumulation of interest, to redeem the valuable property that was pledged as a collateral security to the Bank, and to employ the favorable opportunity presented by the advanced price of stock, were the inducements for anticipating the period which the terms of the contract allowed, for liquidating the last of these engagements.

The improvement of our roads and inland navigation, will, I am persuaded, continue to be a favorite object with the Legislature. I have, indeed, received such accounts from the agents of information (whose report will be laid before you) and through various other channels, respecting the progress in executing the contracts which have been formed, as promise full compensation for the expense that has been incurred, and afford ample encouragement for future enterprizes of a similar nature. In addition to the contracts that were mentioned in a former address, I have concluded others for opening and improving a road leading from Harrisburg, through the Narrows, at the end of the Kittatinny mountain and Peter's mountain, and thence the nearest and best course, to the place where it will intersect the road leading from Harrisburg to Sunbury, at or near Halifax; for opening and improving

a road from Stockport on the river Delaware to Harmony, at the great Bend of the Susquehanna river; for improving the navigation of the river Juniata from its mouth to Water-street, and thence to Frankstown; and for opening and improving a road from York-town to Cooper's ferry. I shall take this opportunity of transmitting the report of agents of information, who having recently explored the Juniata and Conemaugh, and surveyed the roads corresponding with those rivers, recommend that a deviation should be made in that quarter from the plan which is prescribed by the act of Assembly, upon principles which certainly merit a serious consideration. If their opinion is sanctioned by your approbation, the proposed roads to Pittsburg, to Poplar Run, and to the Little Conemaugh, being blended and formed into one great road, leading from Frankstown to Pittsburg, the projected canal between the Quitapahilla and Tulpehocken being opened, and a few easy portages established in proper situations, a certain foundation will be laid for connecting the western waters of the Ohio and the great lakes with the eastern streams, flowing into the Atlantic, particularly with the tide-waters of the Delaware, in the neighbourhood of Philadelphia.

But, Gentlemen, while we trace the progress of this communication, with a just estimate of its importance, permit me to advert to another object, which, in the impartial exercise of the powers of government, ought not to be entirely forgotten:—I mean the navigation of the lower waters of the Susquehanna. It is true, that the natural difficulties of rendering this river navigable are great; and some objections, in point of policy, might be urged against the principle of the undertaking; but the combined strength and opulence of the states that are immediately interested, would undoubtedly be competent to overcome the former; and the effect of the measures which have been taken, and which might be

taken, to preserve the balance of improvements in favor of Pennsylvania, would, perhaps, sufficiently remove the latter. The equal accommodation of our constituents, however, and the advancement of every part of the state, to the enjoyment of the greatest advantage of which it is susceptible, are duties that will entitle this subject to your consideration; and I am inclined to believe, that, whenever you shall deem it proper to enter into a negotiation, the states of Maryland and Delaware will not hesitate to sacrifice some local interests, in order to accomplish that extensive plan of public convenience, which contemplates a new avenue to the ocean, and the union of the bays of Chesapeake and Delaware.

Should the magnitude of the work, however, and the natural or political obstacles which are suggested, enforce a temporary suspension, we may, nevertheless, view the opening and clearing of the Susquehanna, from its northern entrance into Pennsylvania as far, at least, as Wright's Ferry, not only with respect to the benefits which the circumjacent country will immediately experience, but with respect to the resulting influence in rendering more easy, and more desirable, the ultimate point of improvement in the navigation of the river. I regret, therefore, that satisfactory overtures have not hitherto been made for executing this part of the plan, upon the term proposed in the act of Assembly; and as its practicability cannot be doubted, allow me to refer it to your discretion to determine, whether the disappointment has not arisen from the insufficiency of the sum appropriated; and, consequently, whether a more adequate provision ought not to be made.

While I offer these remarks, I am aware, Gentlemen, that the want of a good and permanent road is, at present, the principal defect in the communication between the middle counties and the metropolis. The steps

which are taking, however, in pursuance of the legislative resolution of the 30th day of September last, to remedy this inconveniency, have met with universal approbation; and, I hope, the Commissioners, who were appointed to make the proper surveys between Philadelphia and Lancaster, will enable me, previously to the adjournment of the session, to lay a plan before you, which, corresponding in its execution with your views, and the wishes of our fellow citizens, may lead to the establishment of a general system of well-constructed and well-regulated roads. You must readily perceive, indeed, that it will be in vain either to open roads, or to clear rivers, without a vigilant attention to keep the former in repair, and to prevent encroachments upon the latter: And the existing laws being extremely inadequate to these essential purposes, you will, I am confident, revise and amend them, with all the diligence and energy, which the occasion shall be thought to require. Among the many considerations that will occur in the course of the investigation thus introduced, the circumstances of our inland trade, will probably suggest the idea, of making a reasonable compensation to the holders of certain ferries on the Susquehanna, and other rivers, in order to give a free passage to waggons transporting produce to the market, and returning with the merchandize, of Philadelphia. This, it has been conceived, would be the means of preventing the trade of several counties from centering in other states, as experience has shewn, that when the Susquehanna is frozen over, many western farmers convey their produce to this city, which, in other seasons, they dispose of in Maryland. Some latitude should, likewise, be allowed, in laying out the roads that are described in the late act of Assembly; and such of them as may remain incomplete should, perhaps, be made subject to the same jurisdiction and regulations as are established in the case of county roads,

Under the authority of an act of Assembly, I have obtained a loan of twenty thousand pounds from the Bank of North America, upon a mortgage of the revenue arising from vendues, in order to re-pay the money expended by the Corporation of the city, and the Commissioners of the county of Philadelphia, for the accommodation of Congress; and to provide a suitable dwelling for the President of the United States. The first part of this appropriation amounting to two thousand nine hundred and one pounds, nine shillings and four-pence, and the price of the lot of ground (which has been obtained on the west-side of Ninth-street, between Market and Chestnut-streets) amounting to five thousand four hundred and ninety-one pounds, there only remains the sum of eleven thousand six hundred and seven pounds, ten shillings and eight-pence, to purchase the materials and complete the structure of the building. As soon as an eligible plan can be procured, and a satisfactory estimate of the expense can be formed, I will lay them before you; and you may be assured, Gentlemen, that I will endeavour, with the strictest economy and diligence, to do all the justice to the hospitable intention of the Legislature, which the limitation of the fund will permit.

In discharging other duties that were assigned to me by laws passed at the last session of the General Assembly, I have appointed one set of Commissioners to lay out a town at the mouth of Beaver creek, and another set to run the boundary line between the counties of Mifflin and Huntingdon. The former have not yet had time to execute their trust; and the latter have found so much difficulty in ascertaining the point of departure intended by the act, that they have made a special report (which will be communicated for your information) suggesting that a straight line from the Water-gap in Tuscarora to the Blue-rock on Juniata is the only course that can give satisfaction; and this they

accordingly recommend to be expressly sanctioned by the Legislature. It may be proper to observe, that an early decision on the subject is requisite to preserve peace and order: But, at the same time, I am happy to add, that the disturbances, which had arisen, from another cause, in the county of Mifflin, have entirely subsided; and I have received information, that the principal rioters have given the best evidence of their contrition, by readily submitting to these measures, which it was thought necessary to pursue, in order to vindicate the dignity and energy of the government.

In obedience to the directions of the Legislature, I entered into a contract with the Commissioners of the city, by which they engaged, at a reasonable rate, to pave the foot-way of the State House square, from Chestnut to Walnut street, in Fifth street; and the undertaking being executed, I have paid the consideration money by a warrant upon the Treasurer, for the sum of one hundred and fifty-three pounds fifteen shillings and eleven pence. The forms prescribed in the law, respecting an indemnity for those lots of the donation land, which have been found to lie within the jurisdiction of New York, have, likewise, been pursued: but, as it is probable, that many of the claimants were too remote to receive an account of the arrangement, in season to take advantage of it, (some of them being actually employed in the western army of the United States) and as, in fact, from a misconstruction of the law, none of them appeared on the proper day to draw their lots, you will, no doubt, perceive the propriety of extending the time for presenting these claims, as well as for deciding the priority in choosing an equivalent; and, it will be expedient to announce your indulgence in these respects, as soon as possible.

The Commissioner for stating the claims of this state, against the United States, reports to me, that although nothing has yet appeared to warrant a material

change of the opinion, which was formerly expressed upon the probable result of the settlement of those claims, considerable progress has been made in arranging and stating the accounts: and, I trust, that, at length all the obstacles to the completion of the contract for the Lake Erie purchase, are removed; the Comptroller of the Treasury of the United States, and the Comptroller General of Pennsylvania having concurred in stating the amount of the consideration money to be one hundred and fifty-one thousand, six hundred and forty dollars and twenty-five cents, and the medium of payment to be Loan-office certificates of the United States, at their specie value reduced by the continental scale of depreciation; certificates of final settlements issued by the Commissioners of the states, or departments; or certificates commonly called registered debt, with the interest which may be due upon them, until the 10th of June, 1791. The necessary sum, in public securities of these various descriptions, is prepared at the Treasury, and will be delivered as soon as the mode of conveyance (which I have referred to the consideration of the Attorney General) shall be settled. From some doubts, indeed, that have been entertained, whether there exists in any officer of the federal government, a competent authority to execute an instrument of this nature, it may eventually be necessary to call in the aid of Congress: but as the terms of the contract have received a definitive construction, it will not, I presume, occasion much delay, to designate the mere formalities of transfer.

In leading your attention, Gentlemen, to those objects which are particularly interesting to the public welfare, the election of a Senator to represent the commonwealth in the Senate of the United States, appears first in order and importance. During the present session of the federal Legislature, the ratio of representation, in the popular branch of the government, will be

fixed for the ensuing period of ten years; our commercial intercourse with foreign nations will probably be settled on a new basis; and there is great reason to expect, that a system for establishing and regulating the militia of the United States, will be introduced and adopted. The jurisdiction of Congress cannot, I think be exercised upon subjects more critical in their origin, or more extensive in their operation; on which a greater diversity of opinion is likely to arise; or in the decision of which, a free people ought to be more anxious, to give the full expression of their feelings, and their sentiments.—Recollecting, therefore, the weight of one member in the small body of the Senate, you will excuse me, if I am solicitous, that considerations respecting the magnitude of the end, should suppress every doubt, and reconcile every variance respecting the forms of the proceeding; so that Pennsylvania may, at this juncture, enjoy the whole force of her legitimate influence in the councils of the Union. To you, Gentlemen, no argument can be offered, which a sense of public duty, and an ardent attachment to the honor and prosperity of your country, will not spontaneously suggest: you feel, and I am confident, you will act, as becomes the importance of the occasion; and under this impression I cheerfully dismiss the subject with informing you, that by the returns from the several districts it appears, that Thomas Fitzsimons, Frederick Augustus Muhlenburg, Thomas Hartley, Daniel Heister, Israel Jacobs, John Wilkes Kittera, Andrew Gregg and William Findley, are duly elected Representatives of this state in the House of Representatives of the United States, for the next term of two years.

If the supplement to the judiciary bill, which was particularly recommended to your consideration by the late House of Representatives, should introduce an enquiry into the general state of the department, you will find that although the foundation is admirably

laid, some additions are necessary to complete the strength and beauty of the superstructure. Besides pursuing the objects of the supplementary bill, to which I have adverted, the enlargement of the equitable powers of our courts of law, seems to be expedient: not only as it would promote the ordinary administration of justice, but as the means of placing the scene of domestic litigation, upon an equal footing with controversies, arising between the citizens of Pennsylvania, and the citizens of other states, or foreigners, which, giving immediate jurisdiction to the federal courts, may be conducted by rules less rigid, and decided upon principles more liberal. I have, on a former occasion, observed, that the laws, respecting bankruptcy, are, likewise, defective in several points; and I cannot avoid repeating, that the want of an appeal from the mere doubt of the Commissioners (which doubt is all the act requires to justify the refusal of a certificate) may hereafter be the source of extreme oppression; and apparently, indeed, militates against the constitutional right of trial by jury. Whatever may be the objections, therefore, to the introduction of a system of bankrupt laws, I am persuaded, that, when introduced, you will think it proper in this, as well as in every other respect, while you guard against fraudulent practices, to protect and countenance the honest, though unfortunate trader. In reviewing the laws for the relief of insolvent debtors, and those which regulate attachments, many opportunities of making amendments will occur; and a provision in the act respecting juries, which shall, on the one hand, render a fairer compensation for the juror's service, and, on the other hand, impose a heavier fine on his neglect or refusal to perform it, would, in effect, diminish the burthen of this indispensable duty, by giving certainty and dispatch to the business of our courts. I will only further remind you, as matter for deliberation naturally cou-

nected with the subject, that the institution of a general fee-bill, and the declaration of the forms in which actions may be brought and prosecuted against the commonwealth, will be considerably useful in discharging the various offices of government: And, while I refer you to a report from the inspectors of the prison of Philadelphia, for a pleasing proof of the salutary consequences which the reformation of the penal code has produced, I am persuaded you will pay a proper attention to the opinion that the board has expressed, upon the expediency of abolishing what are termed the jail fees.

In the executive department some points will likewise claim your regard. Since the establishment of the present constitution, temporary laws have been passed, to transfer, in the aggregate, all the powers of the late Supreme Executive Council, to the Governor of the commonwealth: But, as many of those powers could be more conveniently, and more advantageously, exercised in other offices, I should be happy, if an opportunity occurs, to see them analyzed, and properly distributed. For the incidental and contingent expenses of the department, I conceive that a general provision should be made, in order to meet the section of the constitution which declares, that no money shall be drawn from the Treasury, but in consequence of appropriations made by law; and, if a permanent authority were given to superintend the publication of the acts of Assembly, that business would be facilitated, and the information of your proceedings with greater expedition communicated to our constituents. You will indulge me, Gentlemen, in adding one wish of a more personal nature; that, as far as your conveniency will permit, bills may be delivered, for the consideration of the Executive, sometime before the day fixed for the adjournment of the Legislature: For, hitherto most of the laws have been transmitted at so late a period of

the session, that there was hardly time to persue them, much less to deliberate on their contents.

The improved state of our finances, the rapid progress that has been made in the settlement and liquidation of old transactions and engagements, and the consequent decrease of business in the respective offices, must render this period favorable for reviewing and reforming the department of accounts. The present system is, indeed, defective even in its foundation; in some instances furnishing no adequate check; and, in others, producing confusion and embarrassment, by the complication of its forms. Of the former kind, is that provision, by which the Treasurer is authorized to settle the accounts of the revenue officers, from whom he receives the public money; and, with the latter kind may be classed, the settlement of the accounts of the commonwealth at different places, and by different persons; and, generally speaking, all the consequences of an undigested distribution of duties, between the Comptroller General and the Register General.

As I am persuaded, Gentlemen, that this subject will soon engage your attention, I am induced to add a few hints, from the statement which the officers have presented to me, in order to facilitate your investigation. It would, I think, be a radical improvement in the department, if all the accounts which are rendered and settled, were deposited in one office, and the books of entry in the other. This separation would not only add to the security of the public documents, as in case of an accidental destruction of the accounts, the books might remain; but it would likewise, enable each officer, from the materials in his own possession, to collect and furnish, upon all occasions, the necessary information; and a chain of connection often blending public transactions, each would have it in his power, without difficulty or delay, to unravel and check the accounts under examination, by comparing them with the correspond-

ing vouchers. Several advantages, likewise, concur to justify a proposal, that books should be opened in the Register's office, in which accounts shall be kept with such of the public creditors as may choose to give up the certificates which they at present hold, for others in all respects similar, except that the new certificates shall not be transferable, although the debts, of which they are the evidences, may still be assigned, in the same manner, and with the same effect, as the debt of the United States. This measure would prevent the necessity of cutting up certificates to accommodate purchasers at the Land-office; it would be convenient to the individual creditor, by enabling him to divide his claim into any sums that his wants might require; rendering the property more safe from fire and other accidents, it would relieve the Legislature from frequent applications for the renewal of lost certificates; and, if it had not the effect of immediately appreciating the state debt, it would, at least, render all the business respecting it more uniform and stable.

A provision for cancelling those certificates of the state debt, which, being redeemed, are deposited in the treasury, in the same manner, that the certificates in the possession of the Comptroller General, are directed to be cancelled, would, I believe, be useful; and it might perhaps, with propriety be extended to such certificates as shall in future be paid to the Receiver General of the Land-office; allowing that officer to produce an authenticated document of the amount, which may, from time to time, be cancelled, as a voucher in the settlement of his accounts. In addition to these regulations, I am prompted by a desire of preserving uniformity in pecuniary transactions and statements, as well as by the greater conveniency of the method, which has been adopted at the treasury of the Union, and at the several banks, to recommend that the Legislature should prescribe a period, after which all accounts between

the state and her officers, shall be kept in dollars and cents.

You will receive by the Secretary, Gentlemen, a copy of the joint report which the Comptroller General, the Register General and the Treasurer have made upon the state of the finances of the commonwealth; introduced by a recapitulation of the receipts and expenditures of the last year; and particular representations of the receipts and payments in the bills of credit of March, 1785, in the state money and in the dollar money; together with a view of the real estate of the commonwealth; of the situation of the fund appropriated for the improvement of roads and navigable waters; and of the operation of the sinking fund, during the same period. The estimate of the productive revenues for the current year, amounts to seventy-one thousand, three hundred and twenty-three pounds, three shillings and eight pence, and the various demands for the public service, will require a sum of sixty-seven thousand, three hundred and seventy-two pounds. But, Gentlemen, it will be prudent always to remember, that although the arrearages of taxes on the present, as on every former, occasion, constitute a considerable item in the calculation of our resources, yet as the extent of the exonerations, which have been sanctioned by law, has not been completely ascertained, and as the difficulty of collection naturally encreases with the delay, our expectations on this ground have been, and, probably will continue to be, greatly disappointed.

The property which the state possesses in the stock of the United States, will require, and merits, particular attention. It appears from the report, to which I have just referred, that the subscription of the state debt to the funding system amounts, at this time, to two hundred and fifty-two thousand, six hundred and ninety-seven pounds, fourteen shillings and one penny;

but the proportion of the assumed debt, allotted to Pennsylvania, being two million, two hundred thousand dollars, she will be entitled to receive an annual surplus of interest, equal to the sum of twenty thousand, nine hundred and eighty-four pounds, eight shillings and five pence. This, however, is subject to a deduction for the interest that the state has engaged to pay to the subscribers in order to make up the rate of six per cent. upon their respective claims; to an allowance for that part of the state debt which was assumable, and is not subscribed; and to a charge for that part which shall be deemed not to be within the assumption. The product of the subscription which was made immediately on behalf of the commonwealth before the loan was closed, amounts, in six per cent. stock, to the sum of two hundred and seventy-eight thousand and forty-nine pounds, eighteen shillings and four pence; in the three per cent. stock to the sum of five hundred and fifty-seven thousand, five hundred and sixty-eight pounds, fifteen shillings and two pence; and in the deferred stock to the sum of one hundred and thirty-nine thousand and twenty-four pounds, nineteen shillings and one penny. But the first article, being allotted to discharge the Proprietary claim, affords an unappropriated balance of only forty-two thousand, six hundred and twenty-seven pounds, sixteen shillings and five pence; the second article, being liable to various demands, leaves a balance of four hundred and fifty-five thousand, four hundred and thirty-six pounds, nineteen shillings and two pence; and in the third article, after deducting the recent sales to pay the interest of the funded and depreciation debt, the state is still entitled to the sum of ninety-seven thousand, nine hundred and fifty-one pounds, four shillings and one penny.

The fund arising from the aggregate of these credits, has, Gentlemen, been hitherto properly employed, in

discharging the debts of the commonwealth; but I am desirous that you should now take it into serious consideration, whether if the public honor does not require, the public interest will permit, any further diminution of the capital. The many other sources from which supplies may be advantageously drawn for the support of government, will leave even the interest disengaged for purposes of public enterprize and utility; and when we reflect that a similar opportunity of accumulating wealth, will never probably occur; or that, when this is expended, all the public wants and exigencies must be satisfied and relieved, by a direct and constant pressure of taxation on the people, you will, I am persuaded, agree with me, that in future every act which trespasses upon the principal of the stock, ought to be the result of mature deliberation.

Gentlemen of the House of Representatives:

The sentiment, which I have just advanced, applies particularly to your jurisdiction in the matters of finance. I am confident that you will make an ample provision, in the most eligible manner, to defray the necessary expenses of the government, and to preserve the honorable system that has been introduced, for discharging our public engagements. But, while you are doing this, I think it my duty to submit to your consideration, the expediency of raising a small contribution from the estates of our constituents, in aid of the general revenues of the commonwealth. By this measure, seasonably adopted, you will prevent the inconveniency of imposing taxes upon every occasion; which must, otherwise, as I have observed, unavoidably take place, when our property in the funds of the Union shall be exhausted; and if such a contribution were expressly and conclusively applied to the support of government, the expense of the administration of the public affairs,

being always known and felt by the people, would excite that vigilance, which is the best preservative of a free and republican constitution.

In addition to the ordinary objects of revenue, permit me to remind you, that no fund is appropriated to pay the promised interest, on that part of the funded and depreciation debt, which is assumable, but not subscribed to the loan proposed by Congress; and the faith of the state being pledged to redeem, in the course of the next year, the bills of credit, which were issued in the year one thousand seven hundred and eighty-five, you will be pleased to consider, whether, for that purpose, some special step ought not to be taken at this session, as well as for destroying the sum which is now accumulated at the treasury. I shall also, be under the necessity of requesting the aid of a supplementary appropriation, to discharge the expenses, which have been recently incurred for the defence of the frontiers. As the lieutenant of the county of Alleghany, however, has not yet made his return upon the subject, I am unable to furnish an accurate statement of the deficiency; but an account of the sums which have been disbursed will be laid before you.

Gentlemen of the Senate and of the House of Representatives:

Among the records of the General Assembly, you will find a variety of papers, which point out the necessity of establishing a more effectual mode to enforce the collection of the arrearages of taxes; and there are difficulties in carrying certain assessments into effect, for the removal of which, the assistance of the Legislature has already been requested. Some regulations for rendering the revenue, arising from the several kinds of licenses, more productive and more equal, seems to be necessary; and it may be proper to renew the provisions which were formerly made, for disposing of the

barracks in the borough of Lancaster; and to authorize further proceedings, with respect to the forfeited, or unsold, part of the barrack ground, in the neighbourhood of Philadelphia. An act for the inspection of gun-powder, and some improvements in the institution of the Health-office, will be suggested, as well by the documents, which have formerly been transmitted, as by those which I shall direct to be presented to you; and, you will please to observe, that the appropriation for defraying the expenses of the Wardens of the port, extending no farther than October last, your interposition will again be required in behalf of the Board. You will deem it proper, perhaps, during your present session, to prescribe the manner of making the enumeration of the taxable inhabitants of the state, agreeably to the fourth section of the first article of the constitution; and the bill to authorize the sale of the public islands, having been published by order of the preceding House of Representatives, will now, I presume, be passed into a law.

The limitations of several acts of Assembly, will likewise claim your attention, previous to an adjournment. The act transferring the powers of the late Supreme Executive Council to the Governor, and the act for instituting the Board of Property, will expire with the present session. The suspension of the act for the inspection of shingles, and the law to enable aliens to purchase and hold real estates within this commonwealth, will terminate on the first day of January, 1792; the continuance of the provision for regulating the exportation of pot-ash and pearl-ash, is limited to the twenty-second of February; the necessity of obtaining a licence for the exhibition of theatrical entertainments, will cease on the second day of March; and the time allowed for patenting lands, which were located before the declaration of independence, will elapse on the tenth day of April, in the same year.

It affords me great satisfaction, Gentlemen, to be able to close these communications in mentioning, that upon the report of the Commissioners appointed by law, which report states, that the subscription to the capital stock for opening the canal between the Creeks of Quitapahilla and Tulpehoccon, exceeds five hundred shares, a patent of incorporation has been granted to the subscribers; and by informing you, that the union of the College of Philadelphia, and the University of Pennsylvania, has been effected, according to the provisions of the act of Assembly. From the great encouragement which has been given to the undertaking, the most flattering presage of success, in establishing the canal, may be drawn; and the institution of the associated seminaries of learning, upon a foundation so enlarged and so enlightened must, under your auspices, prove an honor to the state, and a blessing to mankind.

THOMAS MIFFLIN.

Philadelphia, December 9, 1791.

To the Assembly concerning the present State of the Debtors' Apartment in the Philadelphia Prison.

Gentlemen:

FROM SENTIMENTS OF HUMANITY, AND WITH a view to the improvement of that part of the law, which necessarily operates with its greatest rigour upon the poor and the unfortunate, I have lately, in company with the judges, examined the interior management of the debtors, as well as of the criminals' apartment of the prison of Philadelphia; and, I confess, that the pleasure which I received, upon this occasion, in observing the order, the industry, and the cleanliness, that prevailed in the latter, was

greatly diminished by the extreme penury and wretchedness that appeared in the former.

Upon inquiring into the causes of this painful difference, it is proper to state, that I did not discover any reason to reproach the Keeper of the debtors' apartment, but only to lament the radical defect in our laws from which it proceeded: and which may be considered in two respects—the want of a provision for supporting the prisoner, whose very confinement raises a presumption, that he has it no longer in his power to support himself; and the want of a competent allowance, for the services of the Keeper, who is, therefore, permitted to encrease the emolument of his office, by vending liquors to the persons committed to his custody.

I am confident, Gentlemen, that your compassion and benevolence will be gratified, in having your attention called to this subject, which the Legislature alone can effectually regulate and reform. There are, at this inclement season, many of our fellow creatures, who, under the severity of civil process, for trifling debts, are deprived of every opportunity of industry, and languish in the jail, without clothes, without food, and without fire; while those who are confined for their crimes, under the sentence of our courts, enjoy every supply that is requisite to maintain life, and are compelled to perform no greater labor, than, divested of the idea of punishment, would be proper for the preservation of health—Thus to be a debtor, would seem to be more offensive to the laws, than to be a criminal; and to be unfortunate, must, sometimes, be more fatal, than to be vicious.

Permit me, therefore, Gentlemen, to offer to your consideration, the propriety of making a provision, by law, for the maintenance of persons, who are imprisoned at the suit of their creditors; for introducing some degree of order and comfort into their apartments;

and for giving an adequate salary to the Keeper, in order to deprive him of every pretext, for continuing the pernicious practice of keeping a tavern within the jail.

How far the expense of these regulations should be borne by the public, or by the respective plaintiffs, you will decide; but, at all events, the benign spirit of the constitution, the philanthropic disposition of our constituents, and the characteristic attachment of the Legislature of Pennsylvania, to the principles of freedom, justice and humanity, afford the strongest assurance, that, when the indigent, the friendless, and the afflicted, are to be relieved, considerations of a pecuniary nature will never prevent, or impede, the exercise of your bounty.

THOMAS MIFFLIN.

Philadelphia, December 22, 1791.

To the Assembly concerning the present state of the
Western frontiers of the Commonwealth.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO LAY before you a copy of the representation, which I have just received from the inhabitants of the town of Pittsburgh, respecting their apprehensions of an invasion by the hostile Indians, of the probable accumulation of the enemy's numbers, and the defenceless state of the frontiers. I shall transmit a similar communication of this intelligence to the President of the United States; and, I am confident, that every exertion will be made by the Federal Government, as well as by the government of the state, to guard against and defeat the danger which threatens. For the present, however, I shall content myself with call-

ing your attention to the subject; and assuring you, that every preparatory arrangement in the power of the Executive, upon this occasion, will be made with decision and dispatch.

THO. MIFFLIN.

Philadelphia, December 22, 1791.

To the Assembly Concerning the defence of the frontiers.

Gentlemen:

IT GIVES ME GREAT SATISFACTION TO COMMUNICATE to you a copy of a letter from the President of the United States, from which you will observe, that exertions are making, under the authority of the Federal Government, to protect, effectually, the exposed part of the frontiers.

THO. MIFFLIN.

Philadelphia, 24th December, 1791.

To the Assembly Concerning a memorial from the inhabitants of the Western Counties soliciting the aid of government for their defence.

Gentlemen:

THE RECEIPT OF A SECOND MEMORIAL FROM the inhabitants of the western counties, renders it necessary again to call your attention to their defence and protection, at the present critical period. How far you shall think it proper to adopt the mode of defence suggested in this memorial, or to leave that object to the consideration of the Federal Government, I will not presume to conjecture: But, you will

permit me to observe, that a further supply of arms and ammunition for the militia, seems to be indispensable, as a part of them must be called into service, before it is probable the force of the Union can afford effectual relief. The anxiety of our fellow-citizens, who reside on the frontiers, is natural; and, I am confident, that in making the necessary appropriation, you will act upon the principles of a warm and generous sympathy.

THOMAS MIFFLIN.

Philadelphia, 29th December, 1791.

To the Assembly concerning the situation on the frontiers.

Gentlemen:

I HAVE DIRECTED THE COMMUNICATIONS, which I received from Pittsburgh by the post this morning, to be laid before you; and you will permit me, on the present occasion, to repeat, that the very alarming situation of our fellow citizens on the frontiers, requires, upon every principle of policy and humanity, the immediate exertions of government. A plan of defensive operation has been recently proposed to me by the President of the United States, which, as it claims, in some respects, the sanction of the Legislature, I submit to your consideration; and should it be approved, you will be pleased, besides making an adequate appropriation of money for arms and ammunition, to decide upon the propriety of enlarging, for a limited time, the powers of the Executive, so as to authorize the employment of drafts from the militia for a longer period than two months; and, generally, to enable me to co-operate in the measures

of the Federal Government, for the protection of the frontiers of the commonwealth.

THOMAS MIFFLIN.

Philadelphia, January 6, 1792.

To the Assembly concerning the reported capture of Fort Franklin by the Indians.

Gentlemen:

TO RELIEVE YOU FROM THE ANXIETY ARISING from the current report, that fort Franklin has been taken by the Indians, I have directed the Secretary to lay before you, a copy of a letter that I have received, by this day's post, from the inhabitants of Pittsburgh, which bears a date subsequent to the information on which that report is founded.

THOMAS MIFFLIN.

Philadelphia, 13th January, 1792.

To the Assembly Concerning a memorial from the Society for improving the roads and inland navigation.

Gentlemen:

THE SOCIETY FOR PROMOTING THE IMPROVEMENT of roads and inland navigation, have stated to me various defects in the legislative plan, respecting those important objects, and proposed a variety of improvements for extending the communications between the different parts of the state, I submit their memorial to your consideration, in full confidence, that it will receive the attention which is due to researches of such a patriotic nature. It has also

been suggested to me, that a great general road from Philadelphia to Lake Erie might be advantageously established, so as to strike the line which the Society have delineated on the map, accompanying their memorial, at Spring Creek, and which, with the proper off-sets, would effectually accommodate the country that they propose to traverse.

THOMAS MIFFLIN.

Philadelphia, 12th January, 1792.

To the Assembly concerning certain demands made upon the Governor of Virginia for the surrender of fugitives from the justice of Pennsylvania.

Gentlemen:

IN COMPLIANCE WITH THE REQUEST OF THE Governor of Virginia, I have directed the Secretary to lay before you a variety of communications, respecting the several demands which, under the sanction of the Federal Constitution, were formerly made upon the Executive of that state, for surrendering certain persons, as fugitives from the justice of Pennsylvania; and should you be desirous of obtaining farther information upon the facts that are involved in these subjects, I beg leave to refer you to the address and the documents, which were delivered to the Legislature, on the twenty-fourth day of August last.

This representation from the state of Virginia appears, in some respects, to be founded upon misinformation, as to the facts; and, in others, upon a misconception, as to the law. In the case of the demand for delivering up the persons, who had forcibly carried off a free negro, it is indeed avowed that the act was committed, but the authority of the state to render

it criminal, the circumstances which constitute a flight in the offenders, and the operative sanction given to the demand by the present constitution of the Union, are still doubted and denied. I trust, however, that it will not be thought necessary, at this day, to assert the sovereignty of the state, within her own territory, upon matters of internal policy. She had the unalienated power to legislate upon the subject, which has produced the controversy; her law defined and declared the offence; and it is the duty of her officers, if they cannot prevent, to punish every violation. The offence, it is true, can only be committed, or punished, within the jurisdiction of the government by whose authority the law is enacted; but, when committed, whether by citizens, or by strangers, the Federal obligation of the states expressly provides against that impunity, which flight into another country, might otherwise afford. The documents, that have been transmitted by the Executive of Virginia, proving that the citizens of that state made an irruption into Pennsylvania, with the immediate purpose of carrying off the negro in question, the moment that the act was committed, those persons became offenders, in the contemplation of the law; and the moment that they retired from the jurisdiction of this state, they became fugitives from justice, within the meaning of the constitution of the United States. Nor can it be of any importance to the inquiry, whether the circumstances stated, respecting the original condition of the negro, are true or not; since the laws of Pennsylvania, though they will not permit violence, or injustice, supply an adequate remedy for every wrong. If the negro was not lawfully emancipated he would have been restored to his master upon a peaceable application to a competent tribunal; but, if by the benevolent operation of an act of the General Assembly, (which has long been esteemed an honor and an ornament to our code) he

has obtained his freedom, it is surely incumbent on the power that bestowed the blessing, to protect him in the enjoyment of it. Thus, the claim to the services of the negro, if just, did not require force to maintain it; and if unjust, force can never alter its nature, or expiate the injury which, in effect, it perpetrates.

But, independent of these considerations, it will be remembered, that in the case of the negro, who was deprived of his liberty, as well as the case of the Indians, who lost their lives on Beaver Creek, the grand inquest of the proper county have brought the several accusations against the persons, that were named in the respective requisitions presented to the Executive of Virginia. The investigation of the facts, therefore, rests with another tribunal, and ought not to be unnecessarily discussed in an extra judicial manner: but if the solemn presentments of a grand inquest are to be considered as charges; if the facts stated in those several presentments amount to crimes, or, in other words, if our laws have any force, even within the boundaries of the commonwealth; and if strangers, who having wilfully committed an offence against the municipal law of Pennsylvania, retire to a neighbouring state, may be denominated fugitives from justice; then every member of the section of the Federal constitution, which authorizes the demand as a preliminary to the trial of the offenders, is amply satisfied on the present occasion; and neither policy, justice, nor candor, will admit a construction of that constitution, which, at the time of the ratification, shall place the citizens of the Union in a state of nature, and declare the antecedent period to be now free from every Federal compact, or obligation.

I have thought it proper, Gentlemen, to accompany the papers from Virginia with these explanatory remarks; and I shall take an opportunity of communicating my sentiments upon the subject to the Execu-

tive of that state, from whose candor, judgment and patriotism, I expect every satisfaction that the case requires. That part of the communication which alleges that some irregularities have been committed by the citizens of this state, in seducing and harboring the slaves of the Virginians, I shall also endeavour to investigate; but, in the mean time, we may indulge an honest pride and our sister state enjoy a reasonable consolation, in reflecting, that the courts of justice are invested with full powers to redress every injury which one individual can suffer from another; and that those powers will certainly be exercised with vigilance, wisdom and impartiality.

THOMAS MIFFLIN.

Philadelphia, 25th January, 1792.

To the Assembly Concerning a report from the Commissioners appointed to view and mark out a road from Middle ferry on Schuylkill to the borough of Lancaster.

Gentlemen:

I HAVE RECEIVED A REPORT FROM THE COMMISSIONERS who were appointed to view and mark out a road, leading from the Middle-ferry, on Schuylkill, to the borough of Lancaster, in compliance with the legislative resolution of the thirtieth of September last; and as the copying of the drafts which accompany the report would occasion a considerable delay in making this important communication, I have directed the Secretary to deliver the originals to the House of Representatives; by whom they will, I presume, be transmitted, for information, to the Senate, in the progress of any bill that may be framed upon the subject.

THOMAS MIFFLIN.

Philadelphia, 1st February, 1792.

To the Assembly Concerning the recent Communications from the Governor of Virginia regarding the surrender of fugitives from Justice of Pennsylvania.

Gentlemen:

I HAVE THOUGHT IT PROPER TO TRANSMIT, for your information, a copy of the letter, which I have written to the Governor of Virginia, upon the subjects contained in the communications lately submitted, at his request, to your consideration. I have, likewise, added a copy of the statement of facts, with which I have been furnished, respecting the charges that are brought against citizens of this state, for seducing and harbouring the slaves belonging to citizens of Virginia.

THOMAS MIFFLIN.

Philadelphia, 15th February, 1792.

Further message to the Assembly concerning the boundaries between Huntingdon and Mifflin Counties and sundry other matters.

Gentlemen:

IT IS PROPER TO INFORM YOU, THAT THE question of jurisdiction continuing to agitate the minds of the inhabitants of the counties of Huntingdon and Mifflin, and the collection of county taxes, and the enforcement of the militia laws, within the disputed district, threatening to interrupt the public peace in that quarter, I have written to the Commissioners and Lieutenants of the respective counties, recommending a system of moderation and forbearance in the exercise of their several offices; but, at the same time, I am sensible, that an early interposition of the legislative authority can alone terminate the contest.

Permit me, Gentlemen, again to express my solicitude, that some general provision should be made, for defraying the incidental expenses of the Executive Department; charges for clerk hire, expresses, firing, and other articles, are unavoidably incurred; but every payment, even for these necessities, must be apparently irregular, until a corresponding appropriation has been made by law.

Having, this day, approved and signed the act of the General Assembly, entitled, "A supplement to the laws made for the relief of insolvent debtors within this commonwealth," I have directed the Secretary to take the present opportunity to return it to the House of Representatives, in which it originated.

THOMAS MIFFLIN.

Philadelphia, 16th February, 1792.

To the Assembly Concerning the erection of a mansion for the accommodation of the President of the United States.

Gentlemen:

I HAVE ENDEAVOURED, IN THE PURSUANCE of the act which directs the erection of a mansion for the accommodation of the President of the United States, to obtain a satisfactory plan and estimate of the expense of a suitable building; but as the execution of either of the drafts that I have received, to correspond in any degree with the dignity and design of the Legislature, will require a greater sum than remains of the appropriated fund, I have thought it proper again to refer the subject to your consideration. And should you upon the present representation be disposed to augment the appropriation, permit me to suggest, that the tax on pleasurable carriages being

principally paid by the citizens of Philadelphia, might, with some propriety, perhaps, be applied to an object which is to be peculiarly ornamental to the city, and would, I believe, with care and economy, be rendered sufficient.

I have directed the Secretary to lay before the House of Representatives the plans and the report of the agents on the subject. The former, I presume will be communicated to the Senate for their information, and returned to the Secretary's office when the Legislature have examined them.

THOMAS MIFFLIN.

Philadelphia, 25th February, 1792.

To the Assembly concerning the improvements of public roads and notifying the reception of ratifications by the State legislatures of amendments of the Constitution of the United States.

Gentlemen:

WHILE YOU ARE DELIBERATING UPON THE improvement of the public roads, I think it proper to communicate every interesting document that I receive relating to the subject; and, therefore, I have directed the Secretary to present to you a report, containing the opinion of the Agents of information, upon the proper course for laying out the road from Reading to Sunbury.

By this opportunity you will, also, receive authenticated copies of the ratifications, by three-fourths of the Legislatures of the several states, of certain articles in addition to, and amendment of, the constitution of the United States, proposed by Congress; and copies of the following acts of the Federal Legislature:

I. An act concerning certain fisheries of the United

States, and for the regulation and government of the fishermen employed therein.

II. An act to establish the post office and post roads within the United States.

THOMAS MIFFLIN.

Philadelphia, 7th March, 1792.

Further message to the Assembly concerning the purchase of the Lake Erie tract.

Gentlemen:

THE PAYMENT OF THE CONSIDERATION money, for the purchase of the tract of land bordering on Lake Erie, having been completed, agreeably to the terms of the contract, I have now the pleasure to transmit, for your information, a copy of the instrument of conveyance, from the United States to the state of Pennsylvania: the original I shall direct to be deposited in the office of the Master of the Rolls.

THOMAS MIFFLIN.

Philadelphia, 9th March, 1792.

To the Assembly Concerning a representation from the President of the Court of Common Pleas.

Gentlemen:

THE DUE AND PUNCTUAL ADMINISTRATION of justice, being of the utmost importance to the happiness of the people, and to the reputation of the government, it is my duty to refer to your consideration, every suggestion of a defect in our judiciary establishment. I have therefore directed the Secre-

tary to lay before you a copy of a letter, which has been addressed to me by the President of the Court of Common Pleas of the county of Philadelphia, and, I am confident, that you will exercise the remedial authority of the Legislature, upon the subject of his representation, with wisdom and liberality.

THOMAS MIFFLIN.

Philadelphia, 19th March, 1792.

To the Assembly concerning a representation from the Wardens of the Port.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO LAY before you a copy of the representation from the Wardens of the Port, from which it appears, that some provision ought to be made for the support of that Board during the present session.

THOMAS MIFFLIN.

Philadelphia, March 27th, 1792.

To the Assembly concerning the loan from the Bank of North America, and approving a certain act of the Assembly.

Gentlemen:

HAVING REPAID THE LOAN OF FIFTY THOUSAND pounds, which was borrowed from the Bank of North America, and settled the legislative grant to the late Proprietaries, agreeably to law, I have directed the Secretary to lay before you copies of the final statement of those transactions, and of the ac-

quittance given to the commonwealth by the Agent of Messieurs Penn.

The present opportunity will likewise be taken to return to the House of Representatives an act of the General Assembly, entitled, "A supplement to the several acts of the General Assembly of this commonwealth for distributing the donation lands promised to the troops of this state," which I have, this day, approved and signed.

THOMAS MIFFLIN.

Philadelphia, 6th April, 1792.

Proclamation of the Election of Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss:

BY THOMAS MIFFLIN, GOVERNOR OF THE
Commonwealth of Pennsylvania.

A PROCLAMATION.

[Signed] T. Mifflin.



Whereas, it is provided in and by an act of the General Assembly, entitled, "An act directing the time, places and manner of holding elections for Representatives of the people of this State in the Congress of the United States and for the Electors of a President and Vice President of the United States," that the Governor, having received the returns of the election from the Sheriff of the city and county of Philadelphia, and the respective Sheriffs of the several other counties of the Commonwealth, shall enumerate and ascertain the number of votes for each and every person voted for, as representatives in Congress and there-

upon declare by proclamation the names of the persons duly elected and chosen to serve in the House of Representatives of The United States for two years, to commence from the fourth day of March next.

And whereas, it appears by the returns which I have received that William Finley, Frederick Augustus Muhlenberg, Daniel Heister, William Irvine, John Wilks Kittera, Thomas Hartley, Peter Muhlenberg, Thomas Fitzsimmons, Andrew Gregg, James Armstrong, William Montgomery, John Smilie, and Thomas Scott are the thirteen persons for whom the greatest number of votes were given at the said election, held on Tuesday the Ninth day of October last.

Now therefore I have issued this Proclamation, hereby publishing and declaring that the said William Finley, Frederick Augustus Muhlenberg, Daniel Heister, William Irvine, John Wilks Kittera, Thomas Hartley, Peter Muhlenberg, Thomas Fitzsimmons, Andrew Gregg, James Armstrong, William Montgomery, John Smilie, and Thomas Scott are duly elected and chosen Representatives of the People of this Commonwealth to serve in the House of Representatives of the United States for two years, to commence from the said fourth day of March next.

Given under my Hand and the Great Seal of the State, at Philadelphia, the thirtieth day of October in the year of Our Lord One thousand seven hundred and ninety-two, and of the Commonwealth the seventeenth.

By the Governor,

A. J. Dallas,

Secretary of the Commonwealth.

Note.—The original has interlineations in the handwriting of Mr. Dallas showing that it was used as the model for the proclamation of the election of presidential electors shortly after.

Opening Address to the Assembly—1792.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THE FLOURISHING SITUATION OF PENNSYLVANIA, continues to afford a subject for congratulation. As an individual state, she is happy in the accumulating blessings of her agriculture, her commerce, and her citizens; while, as a conspicuous member of the union, she shares, in an eminent degree, the honour and credit, which the national character has attained. Whether, indeed, we take a retrospective view of the contest and distress, from which we have, ourselves, but recently escaped; or contemplate the calamities, to which the nations of Europe are, at the present period, exposed; the comparative happiness of America, scarcely leaves the patriotic mind occasion for a wish, independent of the safety and preservation of the source from which it flows.

With a due respect to the benevolent dispensations of Providence, I think we cannot err, in ascribing the prosperity of our country, to the frame and operations of her political institutions. In the origin and construction of most governments, the traces of accident and force are obvious; and the principles of equality and freedom seem to be studiously resisted: but this remark serves only to enhance the value of the example, which America presents; and to endear to her citizens the reflection, that the constitution of the union (as well as the constitutions of the respective states) is the genuine offspring of reason, deliberation, and independence;—formed by the wisdom, and established by the virtue, of the people.

While, however, I deliver this short, but just, encomium upon the nature of our federal compact; and acknowledge, with ardor, that the voice of the people can alone give a legitimate existence to government;

permit me, Gentlemen, to take this public opportunity of adding a truth, equally manifest and important, that obedience to the regular exercise of constitutional authority, can alone render a free government beneficial and permanent. In granting the power to legislate, the people virtually engage, that acts of legislation shall be held sacred: The constitution, and the laws made under it, are, therefore, alike the evidences of the public will, though expressed by different organs; and every unauthorized opposition to either, must be considered, in effect, as a raising of the hand, in contradiction to the tongue.

I am persuaded, that, uniting with me, in lamenting the existence of any cause, which can lead to observations of this kind, you will peruse, with pain, a communication, which the President of the United States has made, and the copy of the proclamation issued by him, in consequence of certain irregular and refractory proceedings, that have taken place, in particular parts of some of the states, contravening the operation of the acts of Congress, for raising a revenue upon spirits, distilled within the territory of the union. As far as it is in my power, I have cheerfully endeavoured to promote the object of the measure, which the President has pursued on this occasion; and, indeed, I shall always deem it an honorable and pleasing part of the duties of my office to inculcate a strict and faithful attention to our federal obligations: For, I am sensible, that the jurisdiction of the state, and of the general government, though distinct, are not adverse; and that their interests, through whatever channel they may pass, must forever be the same. But, in making an enquiry, how far the citizens of Pennsylvania have been concerned in any riotous, or violent, opposition, it is just to observe, that I have found the instances of outrage but few; that the offenders have generally been prosecuted; and that in every case of a prosecution legally

supported, conviction and punishment have ensued. The documents on which this information is founded (together with the various other papers to which I may refer) will be presented for your consideration: And, while, with great satisfaction, I leave to the courts of justice, the vindication of the laws from positive insult and infraction, I implicitly rely on the aid of your example and advice, to allay the spirit of discontent, to cultivate the means of harmony, and to excite a merited confidence in the measures of the general government.

There are not wanting, Gentlemen, strong and interesting motives for the suppression of domestic controversies. Since the settlement of America, so powerful and so hostile a combination of the Indian tribes has not appeared, as that which now menaces the western frontiers of the United States. Whatever may have been the origin of the contest, the danger is common, and the common force of the Union is necessary to the defence. It is the duty, therefore, and, doubtless, the desire, of those who are engaged in the administration of the general government, to afford protection co-extensively with their jurisdiction: But still we are left to lament, that Pennsylvania, from local circumstances, may occasionally become the seat of the war; and, surely, a tribute of sympathy is peculiarly due to such of our fellow citizens, as are constantly exposed to the ravages of a barbarous enemy. The provision, which, under the influence of this sentiment, was made at the last session of the General Assembly, for co-operating with the force of the union, in protecting our western frontier, was regarded as a salutary proof of legislative attention and liberality. Endeavouring, on my part, to give to the execution of the law, a dispatch and effect corresponding with the design of the Legislature, I appointed the officers of the three companies, and issued instructions for the

proper enlistment, the very day on which the act was passed; and, as a sufficient number of rifles could not immediately be procured to arm the corps, I borrowed from the Secretary at War, a temporary supply of muskets, to be delivered from the magazine of the United States in Pittsburgh; authorizing, at the same time, an allowance to be made to every man, who should bring his own rifle into the service.

This establishment, commanded with ability, and actuated with zeal, proved, I am informed, very advantageous; though, in the opinion of many of the citizens, its duration was too limited. Hence the most pressing solicitations were made, either to prevent the disbanding of the men, at the expiration of the period of their enlistment; or to supply their place, by a competent draft from the militia of the neighbouring counties. With the former of these propositions I did not think myself empowered to comply; and, in complying with the latter, I expressly stipulated, that, as soon as the troops of the United States had assembled in sufficient force on the frontiers, to answer a reasonable expectation of protection and defence, the militia should be discharged, and all military proceedings under my instructions discontinued. You will be happy to find, from the representation of several of the Lieutenants, that this has already been the case; but the statements, that I have directed to be presented to you, will shew the necessity of making a further provision, to defray the expenses incurred for those occasional militia services, which the emergencies of the country have rendered unavoidable.

Among the many important matters, that will now present themselves to your view, the act of Congress for establishing an uniform militia throughout the United States, claims an early attention, as the principal arrangements, which require the interference of the State Legislature, are directed to be completed,

within one year after the passing of that act. In order to prevent delay, and to facilitate your labours, I have taken measures for procuring a general enrollment of the inhabitants of the commonwealth, according to the description and regulations of the first section of the law; and the Secretary will lay the returns of the proper officers before you, as soon as they are received.

For another object of a federal nature, permit me, Gentlemen, again to solicit a candid, a serious, and an efficient consideration. That Pennsylvania, during two of the most interesting sessions of Congress, has been curtailed of her just share in the federal representation, and deprived of her proportionate influence in the national councils, is, certainly, a reflection pregnant with mortification, as it respects the character of the state, and with apprehension, as it respects her interest. But, relying on the wisdom of the Legislature, I forbear to offer any opinion, upon the controverted modes of choosing our Representatives, in the senatorial branch of the general government: I content myself with a repetition of my confidence, that the principles of patriotism, as well as the sense of duty, will operate in the discussion of the subject; and the recent opportunity, which you have had, to acquire a knowledge of the sentiments and feelings of our fellow-citizens, yields a perfect assurance, that your decision will, at this time, be satisfactory to them, and honorable to yourselves.

The election for members to serve the commonwealth, in the representative House of Congress, for the term of two years, from the fourth day of March next; and the election for Electors, to choose, on behalf of Pennsylvania, a President and Vice President of the United States, at a meeting appointed to be held on the first Wednesday of the present month; have taken place during the recess of the Legislature; and copies of the proclamations issued on those occasions, will

inform you of the names of the citizens, who are elected to fill the respective offices. It is proper to accompany this communication, with a statement that irregularities have occurred in both the elections, as to the time and manner of transmitting the returns. In the first case, the returns of some of the districts, not being seasonably received at the meeting of the Judges of the election, were therefore excluded from the general return of the county, though separately delivered at the Executive department: But, whatever may be the decision of the House of Representatives of Congress on this circumstances, it gives me pleasure to add, that it appears from an actual inspection of the documents, that the admission, or rejection, of the votes contained in the separate returns, cannot affect the state of the election. In the second case, a more serious difficulty arose. By the act of Assembly, twelve days were allowed to the Sheriffs for transmitting the returns of election of the Electors, and I was enjoined, on or before the twenty-eighth of November, to notify the election to the several persons, who should be duly chosen. More than twelve days having elapsed from the day of the election, and many of the returns not being received, I became apprehensive, that it would be impracticable to send the legal notice to the Electors, and that if any farther delay was indulged, the information could not be furnished, so as to enable all of them to repair to Harrisburgh, at the time prescribed by the act of Congress, for the discharge of their duty. Under these circumstances, and with a view, if possible, to prevent the state from being deprived of the exercise of one of her most important federal rights, I consulted the Judges of the Supreme Court, the President of the First District, and the Attorney General, respecting the conduct which the law required, or authorized, to be pursued on the occasion; and, in conformity to their opinion, I ascertained, from

the returns actually received on the twenty-first of November, the fifteen candidates, who had the highest number of votes; and proclaimed and notified those persons, as the Electors duly chosen. I here, likewise, observe, with some satisfaction, that the returns, which have been delivered to me subsequent to the proclamation, would have produced no variance in the election; but I have thought it necessary to animadvert, with considerable severity, on the official negligence, to which so painful an embarrassment was owing; and, I am persuaded, that as far as depends on the wisdom of the Legislature, its recurrence, at any future period, will be effectually prevented.

I announce to you, Gentlemen, with peculiar pleasure, the execution of the law, which provided for the redemption and extinguishment of the state debts. As soon as overtures were made for purchasing the requisite amount of the three per cent. stock of the United States, belonging to Pennsylvania, at the rate stipulated by the act of Assembly, I issued the regular notification to the public creditors; and you will perceive, from a particular report of the transaction, which is prepared for your information, that the sales, for this object, have amounted to nine hundred and eighty-six thousand dollars; which, at the average price of twelve and one-sixteenth in the pound, has produced the specie sum of five hundred and ninety-three thousand, two hundred and one dollars and one cent; that the aggregate of the debts already redeemed amounts to the sum of five hundred and forty-eight thousand, nine hundred and eighty-eight dollars and thirteen cents; and that there remains, allowing for certain contingencies, in the treasury the sum of seventy-two thousand, two hundred and one dollars and fifty cents, to answer the further operation of the redemption law, and such new appropriations, as you shall be pleased to direct. I have found it impracticable, however, on

the terms prescribed, to vest any part of this surplus, in the stock of the Bank of North America, according to the view and disposition of the Legislature.

Thus honorably disencumbered from the pecuniary obligations, that were incurred in consequence of the late war; the honest price of our independence; I cannot conceive (as I have before suggested) any situation of political prosperity and affluence, surpassing that, which the citizens of Pennsylvania are invited to enjoy. From that part of the wealth of the community, which consists in the debt of the United States, there will, notwithstanding the recent diminutions of the capital (reducing it to the estimated amount of about one hundred and sixty-seven thousand dollars in Six per cents; one hundred and eighty-seven thousand dollars in Three per cents; and two hundred and eighteen thousand dollars in Deferred Stock) arise an income, which, together with the product of the ordinary and permanent revenues, will be sufficient to defray the expenses of government, and to prosecute many rational objects of public convenience. Our unliquidated demand against the Union, may, at the same time, be considered, as promising an accession of productive property; for, although nothing can be precisely ascertained in this respect, until the final settlement of all the claims of the sister states, the Agent, on behalf of Pennsylvania, assures me, that our accounts bear a favorable aspect, and that he has reason to believe, that the principal charges which they exhibit, stand, at present, in a state of approbation. In addition to these funds, the arrearages of taxes (amounting, exclusively of the known exonerations, to the sum of about five hundred and thirty-seven thousand dollars) form a considerable, though, from the nature of the subject, a temporary, resource; and the operations of the Land-office (which, since the first of November, 1791, have brought, of specie and certificates, a sum exceeding two hundred

and ten thousand dollars into the treasury) may be regarded with the most sanguine expectation of benefit and emolument.

To cherish these resources with a prudent economy, and to employ them with a judicious liberality, may now be considered as the chief purposes of the trust, which our constituents have reposed in the departments of government. An attention to the first of these, will, I believe, induce you to avoid any farther reduction of the principal of the public stock; and must suggest the expediency of making some arrangement, for rendering the unappropriated monies, that shall, from time to time, accumulate in the treasury, productive of a reasonable profit. I recommend, likewise, to your consideration, the propriety of taking additional measures, for the collection of the arrearages of taxes; which the delay of every year naturally renders more difficult and precarious; and, if the amount due from the city and the respective counties, were now to be cleared from the claims to exoneration, divided into moderate sums, and made payable in convenient installments, I think the regulation would not only alleviate the burden to the citizens, but ensure the payment to the public.

With respect to the second point of legislative duty, to which I have particularly adverted (the judicious appropriation of the public wealth) experience justifies me in anticipating the most satisfactory conduct. The improvement of the public roads, and of our inland navigation, has been, and will, no doubt, continue to be, a leading object; and it affords me great pleasure to encourage that pursuit, by assuring you of the beneficial effects, which it has already produced, under the auspices of the Legislature. The execution of several of the contracts, that were formerly mentioned is complete; and the progress in many more is very considerable; as will appear from the reports of the agents

of Information, which I shall direct to be transmitted to you, during the present session. The Commissioners appointed to view and lay out a road beginning at or near the Peach Bottom ferry, and running towards the navigable waters of Christiana creek: the Commissioners appointed to lay out a road from Wilkesbarre to Wyalusing creek, and thence to Tioga point; and the Commissioners appointed to lay out a road from Loyal Sock creek to the one hundred and nine mile stone; have completed the tasks respectively assigned to them: And I expect soon to receive the surveys of the other Commissioners appointed for similar purposes, agreeably to the directions of the act of Assembly. Since my last public communication, additional contracts have, likewise, been formed, for opening a road from Callendar's mill over Croghan's gap in the Blue mountain to West's mill; for opening and improving a road from Frank's-town to Conemaugh, at or near the mouth of Stoney creek, and improving the navigation of the river Juniata from its mouth to Aughwick falls; for opening and improving a road through Nicholl's gap over the South mountain; for opening and improving that part of the road from Bedford to Pittsburgh, that lies between McConnelly's run and Loyalhanning creek; for opening and improving a road across the Blue mountain at Smith's gap, between the Wind-gap, and the Lehigh Water-gap; for improving the navigation of the river Susquehanna, from Wright's ferry to the mouth of Swatara creek; for opening and improving a road beginning at the west end of High street of the city of Philadelphia, and thence extending on the direction of said street, about three miles and a half through the county of Philadelphia and township of Blockley, to the line of the county of Delaware; for improving a road from McCallister's gap to the Burnt cabbins, and Skinner's road; for opening and improving a road from the Lehigh Water-gap,

across the Matchunk mountain, to intersect the Nescopeck road made by Evan Owen; for improving a road in a winding ascent over Vanderen's hill in Roxbury township in the county of Philadelphia, agreeably to the principles of a survey and report made by David Rittenhouse and Thomas Hutchins, Esquires, in pursuance of instructions given them by the General Assembly, on the twenty-sixth of September, 1783; for opening and improving a road from the mouth of Juniata river to David Miller's on Juniata; for improving the road from McCall's ferry on Susquehanna river, until it falls into the road to be laid out from Peach Bottom ferry, to the nearest navigable waters of Christiana creek in the state of Delaware; for improving a road leading from Lancaster to Harrisburgh, beginning at the Bear in Donegal township to Swatara creek in Dauphin county; for opening and improving a road from the east side of Sideling-hill to the town of Bedford; for opening and improving that part of the road from Bedford to Pittsburgh, that lies between Loyalhanning creek and the nine mile run; and for opening and improving a road from Mount Rock, near Carlisle, to Rankin's ferry on Susquehanna river. I am informed, that the several incorporated companies for establishing a turnpike road from the city of Philadelphia to the borough of Lancaster; and for opening water communications between the rivers Susquehanna and Schuylkill, and between the rivers Schuylkill and the Delaware, have commenced their respective works, with a fair prospect of success: And I cannot leave this subject, without repeating, a desire, that the improvements in our roads and rivers may be secured, by a revision of the general laws that relate to them; and the introduction of strict and permanent rules, as well for keeping them in repair, as for preventing nuisances and encroachments.

As intimately connected with the order and product

of our finances, the offices of accounts, and the Land-office will, at all times, claim the particular attention of government. Such improvements might, I think, be introduced into both these departments, as would render their transactions more convenient to the citizens, and more advantageous to the public. I shall not, however, enter into the detail, farther than to bring again to your notice, the impediments in the collection of the duty on tavern licences; and to point out the expediency of placing, on a better footing, the mode of compelling the officers, who are entrusted with public monies, to account; as it may, at present, happen, that the process can only be issued by those who are themselves the delinquents. With respect to marriage licences, some legislative sanction is certainly wanting, to render them either useful, as a civil regulation, or profitable, as an instrument of revenue.

In bringing to your view the state of the public departments, my earnest desire that the Judiciary should be established upon the most eligible plan, and that every improvement, which experience may suggest, should be adopted, will, I hope, excuse my reminding you, that very injurious delays and disappointments arise in the administration of justice within the city and county of Philadelphia, owing, among other things, to the impossibility of obtaining the constant attendance of the Associate Justices of the Common Pleas, for the inadequate compensation, which the law allows. The importance and the multiplicity of the objects embraced by the jurisdiction of that court; the great body of our fellow citizens, as well as the many foreigners, affected by its decisions; and the number of sessions (including those of the Quarter Sessions, of the Orphans' Court, and of the Court for the discharge of insolvent debtors) which its Judges must unavoidably hold; are considerations, that recommend the subject to a very serious attention, and will, no doubt, produce

an effectual reform. The expediency of enlarging the equitable powers of all the courts, will, likewise, I presume, again be introduced into your deliberations; and, in consequence of the dissolution of the Court of Admiralty, which formerly existed under the authority of the state, it is now necessary to determine, in what manner, the Ship-builders, and other persons-employed in the equipment of vessels, shall proceed to obtain the benefit, intended for that industrious and valuable class of citizens, by the act, which subjects the vessels and furniture to the payment of their demands. The materials that have been collected, in pursuance of the law passed at the last session, will enable you, before your adjournment, to gratify our constituents, by enacting a moderate, explicit, and comprehensive table of fees; and, having required from the respective Sheriffs, an account of the present state of the public prisons, throughout the commonwealth, I shall refer their answers, together with a very accurate and liberal report from the Inspectors of the prisons of Philadelphia, to your wisdom and humanity; in hopes that measures may be devised, to encrease the security of the community, and to meliorate the condition of the unfortunate. As education indirectly unites with the courts of justice, in producing an habitual obedience to the authority of the laws; and in preserving the peace and order of society; it will not be improper to express a wish, that the establishment of public schools, contemplated by the constitution, may receive a favorable attention; for, considered merely as a matter of policy, it is better to prevent, than to punish, offences; and the diffusion of knowledge, elevating the sentiments, and confirming the virtue of the people, is the safest, the best instrument, that government can employ.

It must be flattering to the judgment, and grateful to the humanity of the Legislature, to learn, from sat-

isfactory evidence, that the experiment in rendering the penal laws of Pennsylvania less sanguinary, has been attended with an obvious decrease of the number and atrocity of offences. I shall, therefore, take an early opportunity of communicating to you, a statement of the facts and observations relating to the subject, which a Judge of the Supreme Court (lately the Attorney General) has made, in compliance with my request; and which, as the result of considerable experience and deliberation, merits particular regard. Such, indeed, have already been the wholesome effects of the new system, that, if, while we consider the prevention of crimes to be the sole end of punishment, we, also, admit, that every punishment, which is not absolutely necessary for that purpose, is an act of tyranny and cruelty, it has now become a duty to prosecute the business of reform; and, I am persuaded, you will find, that, without affecting the just distribution of penalties, in proportion to the respective transgression, a mitigation of punishment may be safely, and even beneficially, extended, to many, if not to all, of the offences, except High Treason and Murder, for which the law still denounces the forfeiture of life.

You will perceive, from documents that will be laid before you, that the constitution of the office of the Warden of the Port, requires a radical revision; and that regulations are necessary to obviate the cause of certain disputes, which have recently taken place between the merchants and the pilots, respecting the pay of the latter; and the continuance of which might have proved prejudicial to the trade of Philadelphia. I am not apprized how far Congress has it in contemplation to legislate on these subjects; but lest you should deem it expedient to exercise your power over them immediately, I have procured, in aid of your enquiries, a statement of the pilotage allowed at some of the principal ports within the United States.

The Health-office becomes, also, more and more important, as our commerce extends, and the emigrations to America encrease. In addition, therefore, to my former representations, I am led to observe, that inconveniences, which have been actually felt, point out the necessity of a provision to prevent, in future, the introduction of emigrants, and others, infected with any pestilential disease; who, for the very purpose of evading the existing law, may be discharged within the precincts of a neighbouring state; but being, in fact, destined for Pennsylvania, immediately travel hither by land. The establishment of an hospital for invalid mariners, to be supported by a fund collected from the persons whose benefit is designed, might it is thought, be usefully connected with the Health-office; and seems calculated to engage your attention, from motives of policy, as well as of benevolence.

Enquiring into the material business directed to be performed by the laws of the last session, you will find, that the boundary-line, between the counties of Mifflin and Huntingdon, has, at length, been run; and, it is with pleasure I add, to the satisfaction of all the parties. The re-publication of the laws of the commonwealth, during the period prescribed by the act, will, probably, be completed, before your adjournment; and, according to the report of the Surveyor General, the lottery for indemnifying those claimants, whose lots fell in the tenth district of the donation lands, has been regularly drawn; but a legislative explanation will be required to enable the Land-officers to carry into effect, the design of the act, in favour of such persons, as have not heretofore filed their claims.

Gentlemen of the House of Representatives:

You will receive from the reports of the proper officers, a particular statement of the various objects, that require a pecuniary provision, for the ensuing

year. Besides an appropriation for the computed expenses of government (amounting to about ninety thousand dollars) there will be wanting a sum of seven thousand and thirty-eight dollars and ninety-six cents, to discharge the certificates issued for those debts, which have been liquidated during the recess of the Legislature, but for the payment of which no fund has hitherto been designated. The extra expenses incurred for militia services on our western frontier, will, I am persuaded, be cheerfully defrayed; and you will find the account of the disbursements, and an estimate of the work that remains to be done, the necessity there is for a further grant, to complete the building, intended for the accommodation of the President of the United States. To these, permit me to subjoin a few matters of less moment:—appropriations for making some requisite improvements in the gunpowder magazine, and storing the public arms; for reimbursing the pay of supernumerary clerks, unavoidably employed by the Treasurer, in expediting the subscription to the loan proposed by the United States; for satisfying a small claim by Cornplanter, on account of two horses that were taken, as he alleges, by certain citizens of Pennsylvania, from the Seneca nation; and for defraying the contingent expenses of the Executive department.

Pursuing the judicious conduct, which has heretofore been adopted, with respect to our finances, directions will, I presume, be given for destroying a considerable sum of the bills of credit of the years 1781 and 1785, that is now accumulated in the treasury: But, as contributions in taxes, or purchases at the Land-office, are the only means, at present, provided, for the final redemption of those emissions, I submit to your wisdom, the expediency of ordering an actual and immediate payment; from which (you will, probably, think with me) the faith of the commonwealth will

derive additional honour; the Land-office (except in absorbing an inconsiderable residuum of the unfunded depreciation certificates) will be free from embarrassment; and the system, which shall be formed for collecting the arrearages of taxes, may be rendered more simple in its structure, and more certain in its operations.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

It will be necessary during the present session, to provide for the taking the enumeration of the taxable inhabitants of the state, agreeably to the direction of the fourth section of the first article of the constitution; and as the law regulating bankruptcy expires on the first day of January next, that subject will, likewise, claim your attention. The effect of our bankrupt system has hitherto, I am assured, been greatly beneficial, as well in relieving debtors from the pressure of insupportable misfortunes: as in securing the property of persons in embarrassed circumstances, for the purpose of making an equitable distribution among their creditors. In the number of two hundred and nineteen commissions that have issued, only two instances of a prosecution for non-conformity, or perjury, have occurred; while (as it is represented to me) almost all the bankrupts have, since their discharge, become useful members of society; and some of them have honorably paid their pre-contracted debts. Under these circumstances, you will probably, conceive, that the public good may be promoted by the continuance of the law; at least, till Congress has instituted some general regulation to supply its uses.

The act for transferring the powers of the late Supreme Executive Council to the present Executive; and the act to regulate the exportation of pot-ash, and pearl-ash, will terminate with the present session.

The suspension of a part of the law respecting the fisheries in the river Codorus will cease on the ensuing fifth of March; and, should you determine upon holding only one session during the present General Assembly, several other acts, on account of their limitation, will claim a share in your deliberations. Permit me to take this opportunity, likewise, to bring into consideration the expediency of reviving the act, which empowered the Justices of the Supreme Court, to supply defects in the titles to land, occasioned by the loss of deeds, or other casualties; and to inform you, that the maps of Pennsylvania, which have been delivered by Reading Howell, agreeably to law, are deposited in the Secretary's office, to be disposed of as you shall please to direct.

From the length of the late recess of the Legislature, and a desire to furnish a comprehensive view of the affairs of the commonwealth, my present communications have been rendered thus particular; but I am happy, Gentlemen, that amidst the multiplicity of objects which are stated, there will be found ample encouragement for prosecuting, with your usual zeal, the task, which the confidence of our Fellow-citizens has assigned to you. As far as the Executive trust extends, you may, likewise, rely on my earnest co-operation, to improve and perpetuate the reputation and happiness of our Country.

THOMAS MIFFLIN.

Philadelphia, December 7th, 1792.

To the Assembly recommending some further provision for the accommodation of Congress.

Gentlemen:

THE REPRESENTATIVES OF THIS STATE, IN the Senate and House of Representatives of the United States, have anxiously suggested to me, the necessity of making some further provision for the

accommodation of Congress, as the present building will certainly be inadequate for that purpose when the ratio of representation, established by a late act, shall take effect. The disposition which the Legislature of Pennsylvania has uniformly evinced, to promote the ease and dignity of the members of the different departments of the general government, assures me that you will pay a cheerful attention to this subject. I shall only, therefore, observe, that the proposed measure may, perhaps, be accomplished without incurring the expense of a new building, either by enlarging that which Congress now occupies, or (as the Legislature on a former occasion authorized) by surrendering, for the use of the general government, the State-house and the adjacent offices.

THOMAS MIFFLIN.

Philadelphia, December 18th, 1792.

To the Assembly concerning the power of the Commissioners to grant, and of the Executive to allow, a certificate after the Expiration of the law for regulating bankruptcy.

Gentlemen:

SOME DOUBTS HAVING ARISEN, WHETHER, after the expiration of the law for regulating bankruptcy, the Commissioners could grant, or the Executive allow, a certificate. I referred the question to the consideration of the Attorney General, and I have transmitted his answer for your information, as the subject seems to require the interposition of the Legislature.

THOMAS MIFFLIN.

Philadelphia, 7th January, 1793.

To the Assembly concerning the extensive applications recently made at the Land office for warrants of survey.

Gentlemen:

THE EXTENSIVE APPLICATIONS WHICH have been recently made at the Land-office for warrants of survey, seeming to require some legislative precautions, I have thought it my duty to call your attention to the subject and to furnish you with the general statements which I have obtained from the proper officers.

THOMAS MIFFLIN.

Philadelphia, January 15th, 1793.

To the Assembly concerning the illegal settling of lands in the Commonwealth.

Gentlemen:

I LAY BEFORE YOU A REPRESENTATION OF several citizens, stating, that a number of designing or mis-informed persons are in the practice of inviting settlers to possess themselves of certain lands in this commonwealth, under the idea, that, by such settlement, the right of pre-emption is obtained; and, I beg leave to recommend, that some legislative provision be made to prevent the inconvenience, litigation and contest, which are suggested as the natural consequences of such proceedings.

THOMAS MIFFLIN.

Philadelphia, 18th February, 1793.

To the Assembly approving an Act appointing the time, place and manner of electing a Senator to represent this State in the Senate of the United States.

Gentlemen:

I HAVE, THIS DAY, APPROVED AND SIGNED the resolution of the General Assembly, appointing the time, place and manner of electing a Senator to represent this State in the Senate of the United States, and have directed the Secretary to return the same to the Senate in which they originated.

THOMAS MIFFLIN.

Philadelphia, 23d February, 1793.

To the Assembly approving a supplementary resolution respecting the election of a Federal Senator.

Gentlemen:

I HAVE, THIS DAY, APPROVED AND SIGNED the supplementary resolution of the General Assembly respecting the election of a Federal Senator, and I have directed the Secretary to return the same to the Senate in which it originated.

THOMAS MIFFLIN.

Philadelphia, 27th February, 1793.

To the Assembly concerning the opening of certain roads in the district of Southwark and the townships of Moyamensing and Passyunk.

Gentlemen:

BY AN ACT OF THE GENERAL ASSEMBLY, passed on the twenty-ninth day of September, one thousand seven hundred and eighty-seven, the Executive was authorized to open certain roads

in the district of Southwark and the township of Moy-amensing and Passyunk, if, upon due consideration, the state of improvement, in the neighbourhood thereof, was thought to require it. An application was made to me for opening one of the roads contemplated by the act; and, upon hearing the opponents, as well as the applicants, on this occasion, I was of opinion, that a public benefit would result from opening a part of the road, but that the expence of opening the whole of it would, at this time, be too great to be charged on the township. As, however, the Attorney General entertains a doubt of the power, under the act, to open the road partially, I have thought it proper, at the request of the applicants, to refer the subject to your consideration.

THOMAS MIFFLIN.

Philadelphia, March 12th, 1793.

Opening Address to the Assembly—1793.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THE STATE OF THE UNION, AND OF PENNSYLVANIA, as an important member of the Union, renders the present session peculiarly fortunate. The extensive commercial intercourse, that subsists between the United States, and some of the belligerent powers of Europe; the solemn obligations of treaty, by which we are pledged to others;—the sentiments of a cordial friendship, which cement our alliance with one party; and the justice which, as a nation at peace, we owe to all the parties;—are considerations of such variety and importance, as cannot, I think, be contemplated by any patriotic citizen, without solicitude and

apprehension. But, however great the difficulty may be, under these circumstances, of preserving a neutral character, in a manner universally satisfactory, it is certainly the duty of those, with whom the administration of the public affairs is entrusted, to attempt the arduous task; and, I am confident, that, recollecting the calamities, which we have formerly experienced, and reflecting, with becoming gratitude, upon the present prosperous condition of our country, you will approve and sanction every just and constitutional exertion, that is calculated to maintain the dignity of our government, and to avoid a participation in the war.

Upon this meritorious principle, and in order to put the citizens of America on their guard, at this critical period, the President issued a proclamation, declaring that the duty and interest of the United States required, that they should, with sincerity and good faith, adopt and pursue a conduct friendly and impartial towards the belligerent powers: and, as the letter, which communicated this proclamation, expressed a confidence, that injunctions, so interesting to the happiness and prosperity of the United States, would have the benefit of my aid, to promote their general and strict observance in Pennsylvania, I thought it incumbent upon me, likewise, in the most public manner, to recommend the subject to the attention of my fellow citizens; and to exhort them faithfully to conform to the disposition, which the President had officially recognized and prescribed.

This amicable and impartial disposition, being thus announced on behalf of the General Government, some occurrences soon rendered it necessary to provide an adequate and prompt remedy, in case of any violence being committed by the belligerent powers, upon vessels within the jurisdiction and protection of the United States; or, in case any of those powers should

commission, arm and equip privateers, within our ports; a practice deemed inconsistent with the duties of neutrality, and dangerous to the peace of the nation. Accordingly, in the capacity of Commander in Chief of the militia of the commonwealth, I received instructions from the President of the United States, to interpose in either of those events; and, with the aid of the militia, to detain the aggressor, in the first instance; or the privateer in the second; until the President should decide upon such further proceedings, as the occasion might require. These instructions being immediately communicated to the Board of Wardens, with a request that they would pay a vigilant attention to the subject, I was assured, that proper measures would cheerfully be pursued, for ascertaining and reporting, without delay, every transaction, that appeared to militate against the peace and neutrality of the port.

Permit me here, Gentlemen, briefly to recapitulate the several cases that have occurred under the President's instructions: referring, however, for a more particular statement to the documents which I have directed to be laid before you.

The first was the case of the ship *William*, brought into the port as a prize to the French privateer, called the *Citizen Genet*, but captured, as it was alleged, within the limits of the protection of the United States. The Court of Admiralty for this district having decided against its own jurisdiction, as to trying the merits of that allegation, the President requested, that I would order a party of militia on board of the ship, for the purpose of keeping her in safe custody, until his determination should be had upon the subject. With this request, I immediately complied; but, upon its being officially intimated to me, that a subsequent arrangement had been made, for leaving the ship in the possession of the French Consul,

while the legitimacy of her capture was under consideration, I directed the party of militia to be withdrawn. After this direction was given, however, and notified to the French Consul, that gentleman transmitted to me a written instrument, complaining and protesting against the seizure and detention of the prize.

The next instance was attended with more difficulty. On the twenty-second day of June, the Master Warden suggested to me, that the *Little Sarah* (now called the *Little Democrat*) a prize to the *Embussade* frigate, was fitting out in the same manner as privateers: and, this information I immediately communicated to the President. On the twenty-fourth day of the same month, the Master Warden made a more particular report on the subject, which was, likewise, submitted to the President's consideration. But, as I did not receive any directions in consequence of these communications, I presumed that either the case itself, was not within the meaning of the general instructions which had been given; or that the equipments mentioned in the reports of the Master Warden, did not sufficiently ascertain the fact, that the vessel was intended for a privateer. On the fifth day of July, however, the Secretary at War represented to me, that since the report of the Master Warden, such indirect information had been received, as would, if founded, render it indisputable, that the *Little Sarah* was arming and equipping as a cruiser; and, thereupon, I instituted the necessary enquiries, for accurately ascertaining the circumstances relating to the vessel. The information which I collected, confirmed the opinion that I had originally conceived; and afforded reason to suspect that she intended shortly to leave the port. In order, therefore, to obtain an opportunity for the President (who was then absent from the city) to decide upon the propriety of forcibly detaining her, as she was declared to be the property of the government of France, I directed

the Secretary of the commonwealth to wait upon the Minister of the Republic, to represent to him the circumstances of the case, and to request, for the preservation of peace and harmony, that he would give directions for suspending her departure. But as the Minister would not enter into any satisfactory assurance in this respect, I thought it my duty, immediately to instruct the Master Warden of the port to prohibit any pilot from taking charge of the vessel; and I issued orders to the Adjutant General for making a draft from the militia, for the purpose of carrying into effect the President's instructions. The necessity of an interposition, in this mode, was fortunately, however, superseded, by an explanation with the Minister of France, which induced the Secretary of State to believe, that the vessel would not be permitted to sail, till the President's sentiments on the subject were declared; and, upon the request of the Secretary of State I discontinued the military arrangements, which had been previously directed.

A few days subsequent to this transaction, the French Consul represented to me, that an English armed vessel, called the *Jane*, carrying sixteen guns, provided with a Letter-of-Marque, and designing to cruise upon our coasts, had arrived at Mud-Island; and, referring to the treaty of amity and commerce between the United States and France, he requested that orders might be given to prevent this vessel from entering the harbour. Upon enquiring, however, more particularly in to the facts, the Master Warden reported, that the ship came hither to take in a cargo for the island of Jamaica; and it appearing that her equipments and commission were intended for protection, in a course of commerce, and not for offensive war, I did not conceive that the case was comprehended within the provisions of the treaty; and, therefore, I submitted the Consul's representation, and all the

documents relating to it, to the President; whose opinion, I believe, corresponded with mine upon the subject.

Though such were the sentiments entertained on the arrival of the *Jane*, it was soon suggested, that her captain, having refitted her in a warlike manner, was endeavouring to encrease the number of her men and guns. A vigilant attention was, therefore, given to all her operations; and every article of authentic intelligence that I collected, was, without delay, transmitted to the President; who desired that the vessel might be stopped, in case she should be found augmenting her force, and about to depart. On these points, conclusive evidence was, at length, obtained; and it became my duty to provide, with the aid of the militia, for detaining her. But, in the course of a correspondence with the President on the subject, I was informed, that, in consequence of an arrangement with the British Minister, it was deemed unnecessary, at that moment, to interpose with the militia; although it was expected, that I should employ such means of coercion, as were in my power, for stopping her, should she attempt to depart, before a stipulated period, and without a determination upon her case. The vessel, having eventually complied with the injunctions, that were given, for the reduction of her military force, was permitted to prosecute her voyage.

But, in the course of these transactions, I clearly discovered, that it would be impracticable to execute the President's instructions by drafts from the militia, made upon the spur of the occasion. It was obvious that the equipment of privateers, and the commission of other outrages upon the neutrality of the port, might take place in the stream of the river, at a considerable distance from the shores; and should any opposition be given to the measures, that were directed to be employed in such cases, for detaining the offending

parties, success would be rendered doubtful; the honor of the government might be committed; and the tranquillity of the city must be disturbed. With a view, therefore, to discharge the duty imposed upon me, in a manner the most efficient and the most safe, I stationed a party of militia at Mud-Island, and erected a battery there, so as to command the navigation of the Delaware;—having previously communicated my design to the President, and obtained the Attorney General's opinion in favor of its legality. I enjoy the satisfaction, indeed, of knowing, that the arrangement was generally approved; and, I am confident, that, on your part, you will not only cheerfully defray the incidental expences (of which, together with copies of the orders, that have been issued, from time to time, an account will be transmitted to you) but that you will, also, provide for the continuance of so necessary an establishment, upon a more perfect plan; at least, during the existence of the European war. The charge for the pay and rations of the militia will eventually be exhibited against the General Government; to whose officers I am indebted for the loan of arms and ammunition; but it will be necessary, in the meantime, that the Legislature should make an appropriation for repaying to the Bank of Pennsylvania, a sum of two thousand dollars, which (being borrowed on my personal credit) has been expended, with the strictest economy, in maintaining the men, raising the platform, and making the indispensable repairs, at the fort.

The advantages of this arrangement became every day more apparent; particularly, when the President, in explanation of his general instruction, for preserving our neutrality, declared, that no privateer, which had been, or should be, fitted out, within the United States, shall be permitted to find an assylum in any of our harbours; and that every prize, taken by such privateers, should be seized, on her arrival within the

jurisdiction of the respective states, for the purpose of being restored to her owners, at the time of the capture. Paying a due attention to the President's declaration, you will perceive by the papers, which I have directed the Secretary to deliver, that the French privateer, called the Citizen Genet, one prize taken by her, and four prizes, taken by the Little Democrat, have already (and almost all on one day) required an interposition of the militia, which, unless a party had been actually on service, and a battery erected, at Mud-Island, could not have been procured with sufficient facility and dispatch. Some benefit has, likewise, I believe, been produced by these means, in relation to the peace and order of the city; which, at one period, were so annoyed, as to induce the Mayor to request a detachment of militia, in aid of the civil authority: and, upon the whole, it is not improbable, that the knowledge of our being prepared to resist, may happily contribute to prevent, an infraction of the neutrality of our port.

During your recess, Gentlemen, the new system for the regulation of the militia, as far as it depends upon the appointments of the Executive, has been put into operation; but the election of officers, chiefly in the neighbouring brigades, have been attended with considerable embarrassment, and few of the returns have hitherto been rendered. Considering the importance, at all times, but, particularly at present, of this national safe-guard, a revision of the system, will, I think, be expedient; and it has been suggested to me in a memorial from the officers of the First Division, that for the purpose of ensuring punctuality, energy, and responsibility, some additional penalties (accompanied with effectual means for recovering them) should be imposed on the neglects and delinquencies, prohibited by the law; and some more adequate compensations

allowed, for the labour and service which it requires. A positive provision for deciding on the contested elections of the regimental officers, would, likewise, be useful; but you can best judge, from your own knowledge of the disposition and interest of the various parts of the state, whether the allotment of a greater number of days for exercise, in some, or all, of the counties, would not be productive of a public benefit, sufficient to compensate for the private inconveniences that may ensue.

It gives me sincere pleasure, upon this occasion, to inform you, that our fellow-citizens on the frontiers, have been very little molested by the Indians, since your adjournment; and that, consequently, it has not been necessary to make any auxiliary drafts from the militia, in support of the three rifle companies, that were authorized to be raised for their protection and defence. I cherish a hope, indeed, that the measures, which have been pursued by the General Government (and to which, at the instance of the President, I have given all the aid in my power) will terminate in peace: but till the event of the treaty, which is now negotiating at Sandusky, is known, or should that event be unfavourable to our wishes; you may be assured, that I will not remit the lawful exertion of the Executive authority, to prevent, or to repel, the hostility of our savage enemy. The accounts of disbursements (together with several other documents) respecting this service, will be presented to you, agreeably to the requisition of the act of Assembly; and, I trust, that, after a candid examination, you will be of opinion, that the appropriated fund has been applied to its proper objects, with fidelity and economy.

While adverting to the performance of the various duties charged upon the Executive Department, by the laws of a preceding session, I have always felt peculiar satisfaction in directing the legislative atten-

tion to the contracts for improving our roads and rivers. Upon this subject I have instructed the Secretary to prepare and lay before you, a report, comprehending, in one point of view, all the objects of improvement, the names of the respective contractors and their sureties, the sums appropriated for each object, the sums advanced on the several contracts; and remarks (referring to the corresponding vouchers) upon the progress, or execution, of every particular work. In consequence of the general order, that has been issued. I expect, likewise, shortly to obtain, for your information, an official report, founded upon actual examination, of the fidelity, with which the contractors have discharged their several engagements; and of the public benefits, that have been derived from so liberal an expenditure of the public wealth. In the meantime, you will receive such of the surveys, as have been returned to the Commissioners, appointed, under the act of the eleventh of April last, to view and lay out the road from Philadelphia to the borough of York; the road from McCall's ferry to the line of the state of Delaware; the road from Prather's to the west side of Chestnut Ridge; the road from Spiker's to Cherry's mill; the road from Reading to Presqu' Isle; and the road from Strasburgh towards Newport. To some of these surveys, however, objections have been offered by the neighbouring inhabitants, the propriety of which it is your province to consider; as well as to decide upon the respectable application that will be laid before you, for authorizing a small, but advantageous alteration, in the course of the state road, running between Turtle creek and Pittsburgh. I regret that I cannot add to the communications on this subject, an account of any progress being made, in laying out the town at Presqu' Isle: but the state of that country and the other reasons assigned in the report of the Commissioners, will, I am persuaded, be thought a

sufficient justification for the delay that has taken place.

In compliance with the respective laws, measures have been pursued to procure an enumeration of the inhabitants of the state; and to execute the preparatory arrangements, respecting the institution of the Loan-office; though in the latter case, difficulties have occurred, for the removal of which the Commissioners of several of the counties will, probably, solicit your interposition. The laws of the last session, the volume of laws re-published, the militia law, and the rules of military discipline, have been printed, and distributed, according to the directions of the Legislature; and I have also contracted, under your authority, for the republication of the laws, passed antecedently to the year one thousand seven hundred and eighty-one. I have not yet, however, been able to procure the octavo volumes of the acts of Congress, directed to be purchased; as a new edition became necessary to supply the number specified in the law: but they will be ready, I hope, in the course of the present session.

On viewing the actual state of our finances, I cannot avoid remarking the very advantageous alteration produced by those fiscal arrangements, which have been made, since the establishment of the present constitution: for, the payment of our state debts; the extinguishment of the various emissions of paper money; and the consolidation of the public resources; have obviously introduced system and certainty, where disorder and embarrassment formerly prevailed. Still, however, it is of importance that more effectual means should be devised for the collection of the arrearages of taxes; and for disengaging the product of the Land-office (which since the fourteenth day of March last, has amounted to two hundred and twenty-six thousand six hundred and four dollars) from the delays and accidents, incidental to the practice of admitting appli-

cations, before the parties are prepared to pay the stipulated price for their lands. Some precaution will, likewise, be necessary to guard against the grant of warrants for a greater quantity of land, than remains the property of the public.

You will perceive by the papers, respecting the Bank of Pennsylvania, that, in conformity to the opinion of the Attorney General, I made an early subscription, on behalf of the state; and that, after having received information from the President and Directors, that the institution was duly organized, I issued warrants, at several times, in favor of those Gentlemen, for the gross sum of one hundred and sixty-three thousand, four hundred and sixty-nine dollars, and eighty-three cents, in six per cent. stock; one hundred and thirty thousand, four hundred and sixteen dollars, and thirty-three cents, in three per cent. stock; and two hundred and sixteen thousand, one hundred and one dollars, and twenty-five cents, in deferred stock; together with three hundred and seventy-four thousand, two hundred and seventy-one dollars, and six cents, being the specie sum, which according to the reports of the proper officers, might be applied, independently of prior appropriations, and without entirely exhausting the Treasury, towards the payment of the state subscription. The aggregate of these sums (estimating the stock at the rate prescribed) amounts to seven hundred and fifty thousand dollars; so that there is a balance of two hundred and fifty thousand dollars, which, I shall of course obtain on loan from the Bank (according to the stipulation of the act) for the purpose of completing the price of the public shares.

From the statement that will be exhibited to you, in pursuance of my directions, you will find, that since the first day of January last the payments into the Treasury, (exclusive of those which have been made in bills of credit) being added to the balance of two hun-

dred and eighty-four thousand six hundred and fifty-nine dollars, and forty-four cents, previously existing, constitute a sum of six hundred and seventy-five thousand four hundred and fifty-nine dollars, and fifty-eight cents; and the expenditures have amounted to the sum of six hundred and twenty-three thousand and ninety dollars, and sixty-four cents, including, among other articles, the expences of government, the redemption of the public debt, the defence of the frontiers, the improvement of roads and rivers, the payment of pensions, the specie subscriptions to the Bank of Pennsylvania, the grant to accommodate Congress (which, according to the representation of the County Commissioners, will be inadequate to its object) and the grant in aid of the Pennsylvania Hospital. On this view, therefore, the balance that now remains in the Treasury amounts to the sum of fifty-two thousand three hundred and sixty-eight dollars, and ninety-four cents, besides a considerable accumulation of paper money, which you will, no doubt, direct to be destroyed. The Commissioners for settling the accounts of the individual, with the United States, have, I am informed, presented their report; but as no official communication of the result has been made to me, I am only able, at this time, to mention that, from the statement of the Agent on behalf of Pennsylvania, it appears, that the aggregate of our claims for principal and interest amounted to the sum of thirteen millions three hundred and forty-seven thousand, three hundred and twenty-six dollars and twenty-four cents.

Before I dismiss this subject, so intimately connected with the department of accounts, it is proper to inform you, that, during your recess, the Comptroller has refused to submit to the inspection of the Committee of Investigation the books and papers, that were deposited with him, by the late Agents of the Pennsylvania line. On this occasion I have proceeded with all

the circumspection in my power, as well, on the one hand, to procure for the committee the satisfaction which they required, as, on the other hand, to avoid the appearance of interfering, either with the general enquiry instituted into that officers transactions, or with the particular operation of the impeachment which is now depending. The same motives still induce me to content myself with mentioning the subject, and submitting to your perusal the correspondence which it has produced.

Gentlemen of the House of Representatives:

The exercise of your peculiar province, in originating money bills, will, I am confident, equally demonstrate your liberality and economy. In this respect, therefore, I shall only observe, that besides the provision for defraying the charge of defending the port and river Delaware, to which I have already referred, an appropriation will be necessary to satisfy the certificates (amounting to three thousand two hundred and sixty-three dollars and eleven cents) which have been issued for debts liquidated since the last session, beyond the sum of five thousand dollars, heretofore set apart for that purpose. Several documents will, likewise, be laid before you, from which it appears, that the money, allowed for surveying several roads, has been found insufficient.

Gentlemen of the Senate and Gentlemen of the House of Representatives:

Having thus presented to your consideration a general view of the public business, which has been transacted during your recess; of the state of our finances; and of the many demands that await an appropriation; I shall not, at this time, press many other objects upon your attention as requiring the interposition of the Legislature. But, besides referring to your own records, and my former communications, permit me

specially to suggest to you, the expediency of immediately establishing a system for the assessment and collection of county taxes; of reforming the interior accommodations of our prisons (on which subject a representation from the Inspectors of the prison of Philadelphia will be communicated to you) of framing a comprehensive and moderate fee-bill; and of improving the regulations of the Health Office. This institution, indeed (as on other occasions I have observed) becomes daily more important to the well being of our metropolis. At this moment an alarm prevails, respecting the appearance of an infectious disorder; which, together with the recent occurrences, that have increased our intercourse with the West-indies, and the influx of foreigners, must point out the necessity of more strongly guarding the public health by legislative precautions. In the meantime, I have instituted the proper enquiries, to ascertain the nature, extent, and remedy, for the existing disease; and, permit me to assure you, that the Health Officer, and the Physician of the Port, aided by the Officers of the Police, and the Gentlemen of the Faculty, will pursue every rational measure to allay the public inquietude, and effectually remove its cause.

As a discussion on the propriety of reviving several acts, whose legal expiration approaches, will, likewise, employ a portion of the short period, that can be allotted to the present session, it may be proper to remind you, that the duration of the supplement to the act for raising county rates and levies, and the suspension of the act for the sale of located, but unimproved, lands, to pay the arrearages of certain taxes, are limited to the thirty-first day of December next; that the act to regulate the exportation of pot ash and pearl ash, has ceased to operate; and that it is questionable, from the terms of the law, whether the existing act, for the suppression of vice and immorality, can be con-

sidered as remaining in force, longer than the twenty-fifth of the ensuing month.

But amidst these subjects of political arrangement; amidst our official cares to advance the interest and happiness of our immediate constituents; shall I be excused if I introduce a claim upon your sympathy and benevolence; and solicit some aid, to alleviate the distresses of the inhabitants of Hispaniola, who have taken refuge in our country? The contributions of individuals (though hitherto compassionately and honorably extended) cannot furnish an adequate, or permanent, relief: and thus, destitute of friends and money; unaccustomed to our climate; ignorant of our laws, our language and our manners; these unfortunate emigrants are threatened with all the rigour's of the approaching winter; and exposed to accumulating misery and want. But the characteristic humanity of Pennsylvania (which has already been moved by the calamities of the case, as the records of the Legislature may evince) cannot, I am persuaded, remain inactive on the present critical occasion: this intimation will sufficiently ensure your attention to the subject; and, whatever course your bounty may pursue, it must, I think, obtain the approbation of our fellow citizens; and excite the emulation of our sister states.

With the documents relating to the subjects, that have been stated, you will receive authentic copies of several acts, and of the journals of Congress which have been transmitted to me subsequent to your last session. And here, let me assure you, Gentlemen, that, as it is one of my most important duties so it has always been one of my highest gratifications, to furnish every species of information, that could either elucidate my transactions, or facilitate your's. It is, indeed, a pleasing reflection to me, that, exercising your constitutional power over the records of the Executive Department, you may, at all times, fairly, and, I hope,

satisfactorily, trace the motives, which have influenced my official conduct. In those records, you will perceive the multiplicity of business, that has naturally flowed from the institution of a government, essentially new in its principles and organization; as well as the extent and variety of the trusts, that have incidentally arisen from our federal connection; from the recent reform in the judiciary, militia, and finance, systems; and from the measures prescribed for the defence of the frontiers; the regulation of the Land-office; the encouragement of settlements; and the improvement of our roads and rivers: And, if a candid enquiry into a discharge of these duties, by convincing my fellow citizens of the ardent disposition, that I have uniformly felt, to promote their interest and happiness, shall add, to the testimony of my own mind, the honor of their approbation, I shall enjoy a reward, which no lapse of time can impair,—no political vicissitude destroy.

THOMAS MIFFLIN.

Philadelphia, August 29th, 1793.

To the Assembly concerning the danger to the frontiers due to the failure of recent negotiations for a peace with the hostile Indians.

Gentlemen:

THE COMMUNICATION WHICH I HAVE JUST received from the President of the United States, respecting the failure of the recent negotiation for a peace with the hostile Indians, is of such importance, that I cannot delay submitting it to your consideration, with an assurance, that every thing in my power shall be done to avert the danger which threatens our frontier.

THOMAS MIFFLIN.

Philadelphia, September 4th, 1793.

To the Assembly recommending the improvement of the regulations of the Health office.

Gentlemen:

I HAVE RECEIVED INFORMATION, THAT A violent fever rages in the island of Barbadoes and in several other of the West-India Islands; and, at this moment, a vessel from Ireland lies at Mud-Island, containing a considerable number of passengers who are afflicted with a malignant disorder. Under these circumstances, I deem it an indispensable duty to remind you, that the regulations of the Health-office are exceedingly defective, and that there is no fund existing from which a competent supply for maintaining and attending the sick, at the Pest-House, can be drawn. While I state these difficulties, however, you may rely on an unremitting attention upon my part to the safety and health of the Commonwealth.

THOMAS MIFFLIN.

Philadelphia, September 5th, 1793.

Opening address to the Assembly—1793.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THE SATISFACTION THAT I FEEL IN MEETING you, at this time, is greatly encreased, by the opportunity of congratulating you, on the restoration of health to the city of Philadelphia. The malignant disorder, which, on its approach, occasioned a sudden adjournment of the last session of the Legislature, produced, during its continuance, a complicated scene of terror, wretchedness and mortality. The lamented loss of many valuable Citizens; the unexpected impoverishment of many industrious families; the ac-

cumulated list of widows and orphans; and the total derangement of public and private business, are obvious effects of the calamity, for which, in Pennsylvania, and in most of our Sister States, every sentiment of sympathy has been expressed, and every source of liberality displayed.

It is but just, however, on this occasion, to pay a particular tribute to the benevolent exertions of those Citizens, who, in the hour of extreme distress (when the ordinary powers of the Police of Philadelphia, had become inadequate to the exigency of affairs, and the wonted spirit of the inhabitants, could no longer yield a support against the surrounding danger) were formed into a committee, for the relief of the poor and afflicted; and, in the execution of that trust, with equal fortitude and philanthropy, stemmed the torrent of sickness and despair. To their judicious arrangements, and unremitting labours, under the influence and favor of DIVINE PROVIDENCE, we must ascribe, not only an important alleviation of the calamity; but, while it lasted, the security of private property, and the preservation of the public peace. When, therefore, you shall review the report, which they have enabled me to lay before you, I am confident, that besides uniting in a cordial acknowledgement of their services, you will cheerfully bestow any legislative sanction that may be wanting to their measures, and provide any fund that may be requisite to indemnify them against the costs of their disinterested undertaking.

It is probable, indeed, that the amount of the charitable contributions, which exceeds, in money, the sum of twenty-two thousand dollars (independent of the value of a considerable supply in specific articles, and of a guarantee for obtaining more money, if necessary, by way of loan) will be sufficient to defray the actual expences of the committee, which amount, upon the general estimate, to a sum, not less than twenty thou-

sand dollars: but still, permit me to press, as a claim upon your benevolence, the expediency of making some provision for continuing, during the severity of the winter, the relief, which has been communicated to the depressed and indigent class of our fellow Citizens; of whom two hundred families were under the care of the committee for several weeks; and for establishing a permanent assylum to shelter and maintain the orphans (composing an interesting group of one hundred and twenty-five children) who have been suddenly left dependent on the public bounty. With respect to the latter object, I shall be excused in suggesting, that it affords a favorable occasion, to give immediate effect, under the auspices of the Legislature, to that part of the plan, for extending the benefits of the Pennsylvania Hospital, which contemplates the misfortunes of suffering and forsaken infancy, as peculiarly deserving our attention and compassion.

Deeming it of great moment to ascertain the origin of the disorder, the extent of its ravages, and the most efficacious means of guarding, in future, against a similar contagion, I have solicited, with that view, the aid of the committee of whom I have just spoken, as well as of the College of Physicians; and their respective sentiments, on the subject, will be submitted to your consideration. That the disorder was not immediately engendered by any noxious quality of our soil, or climate, but was brought hither from a foreign port, is a circumstance, which, being supported by the opinion of the College, affords a very serious consolation to the mind of every lover of his country: For, the resources of the state, and the industry of its inhabitants, cannot fail soon to repair the injury, which the commerce of the city has sustained; and even the calamity itself, if properly considered, may be rendered productive of very salutary effects. In order, forcibly to impress this sentiment, I have issued a proclamation, re-

questing our fellow citizens to set apart a day for general humiliation, thanksgiving and prayer; and, I am persuaded, that, in so doing, I shall receive all the advantage of your approbation and support.

But with you, Gentlemen, it yet remains to institute such regulations, as shall be calculated effectually to protect us from the introduction of those malignant disorders, to which, as a consequence of our encreasing intercourse with foreign nations, we become daily more exposed. The instructions that have been issued, by virtue of the act that was passed during the last session, will be laid before you; together with an account of the proceedings and expences in the Health-office, since the first of January preceding. But, it is obvious, that, for this department, a system more extensive, and more efficient is still necessary to the public safety, and requires the immediate sanction of legislative authority. Among many practicable improvements, it is thought essential, that every vessel from beyond sea should be liable to examination before she shall anchor near the city, whatever may be the number, or condition, in point of health, of the persons on board: that a competent allowance should be made, for fixing the residence of a Health-officer, and a Physician, contiguous to the place appointed for such examination; and that the Pest-house should be constantly supplied with a Steward, a Matron, and proper Nurses. If, in addition to an institution, thus regulated, an Hospital, easily accessible by land or water, and situated in the neighbourhood of the city, were established, for the accommodation of those, who may, at any future period, be attacked by a contagious disease, the danger, and the apprehension of danger, would, in a great measure, be removed. I am well assured, indeed, that, to the want of this auxiliary for the Health-office, may be ascribed, much of the alarm and mortality that prevailed, at an early stage of the disorder.

Recollecting the extensive scene of business, which my former communications, as well as the records of the Legislature, will present to your consideration, I shall not, Gentlemen, detain you longer, at this time, than is necessary, cursorily to represent the state of some of the principal matters, that have been referred, by law, to the agency of the Executive; and to bring to your view those objects, which appear to require an immediate attention.

In reviewing the transactions that have taken place, during the recess of the General Assembly, I lament, that, notwithstanding the humane and liberal solicitude of the Federal Government, to accomplish a peace with the hostile Indians, the treaty lately held at Sandusky has proved abortive; and a prosecution of the war, upon every principal of policy and self-defence, has become inevitable. You will perceive, by a copy of the President's communication on the subject, which I have directed the Secretary to deliver, that the manner of conducting the negotiation on the part of the enemy, was as inauspicious, as the condition, exclusively proposed for the basis of a reconciliation (which circumscribes and regulates the north-western boundary of the United States, by the course of the river Ohio) is extravagant. Conformably therefore, to the intimation which I received, the proper officers of our frontier counties were apprised of the necessity of exercising all their skill and vigilance, for the purposes of protection and defence; they were authorised, in case of an actual invasion, or imminent danger of an invasion, of the territory of the state, to make such drafts from the militia, as the exigency should require; and they were instructed, by virtue of the discretionary power, which the law creates, to continue the three rifle companies in service, till the opening of the present session. The last of these measures; an inconsiderable draft from the militia of the county of Allegheny; and a voluntary

exertion of the inhabitants of the county of Westmoreland; by seasonably allaying the apprehensions of the citizens, have undoubtedly prevented the desertion and desolation of several valuable settlements. Whatever, indeed, may be the issue of the campaign, in which the Federal army is now engaged, similar precautions will be requisite, for the same purpose, on the approach of the ensuing Spring; and are recommended to your immediate attention, by the most interesting considerations of duty and humanity. I shall, therefore, only add here, that the account of the disbursements, which have been already made, for the defence of the frontiers, will be presented, agreeably to the directions of the act; and, I am confident, you will not think, that the expence has exceeded the importance of its object.

A statement of the charges, that have arisen from the recent establishment of a fort at Mud-Island, will, likewise, be exhibited to you: but, while I perceive the propriety of maintaining that station, for those national purposes, which were mentioned in my last communication to the Legislature, I am convinced, that, as well from motives of economy, as of convenience, the the existing mode of supplying the men for the garrison ought to be changed. Under this impression, I submit to your consideration, the expediency of providing for the appointment of a commandant and party, to be permanently employed; and should the proposition meet with your approbation, I cannot doubt its obtaining any sanction which may be necessary from the Federal Government, whose measures it is, principally, intended to promote.

The arrangements respecting the Loan-office require a revision. The embarrassments that attended the organization of the institution, have been already represented to the Legislature, and may be regarded as one cause of the inconsiderable amount of the sum that has been borrowed throughout the counties; which, pay-

able in bank post notes, is no more than eight thousand six hundred and twenty-nine dollars and forty-seven cents; and, payable in specie, is no more than two thousand seven hundred and eighty-three dollars and thirty-three cents, making the aggregate sum of eleven thousand four hundred and twelve dollars and eighty cents. As some applicants have been disappointed on account of the defects in the law, and others on account of the limitation of the period, allowed for presenting the returns of the Commissioners, you will, probably, deem it a public accommodation, not only to explain the terms for the future, but to renew the loan of the current year. Pursuing the legislative directions, the money was procured from the Bank of Pennsylvania: but, finding a competent surplus of unappropriated specie in the public treasury, I have taken advantage of the power, with which I was eventually invested, to prevent an accumulation of interest, by a re-payment of the whole of this loan. It has not hitherto, however, been convenient to discharge the prior loan, of two hundred and fifty thousand dollars, obtained from the same bank, to complete the price of the shares, which the public holds in its capital stock: but, aided by the Land-office (which, notwithstanding the late suspension of business, has produced the sum of twenty-seven thousand six hundred and ninety-five pounds, and fifteen shillings, since the twenty-fifth day of August last) and the other resources of the state, I think it probable, that this desirable object, likewise, be shortly accomplished. Of the progress in the improvement of the public roads, and the inland navigation of the state, you will receive satisfactory information, from the reports of the Agents, and from the other documents, which I have instructed the Secretary to lay before you. As the annual appropriation for such uses, was, however, revoked by a late law, I shall particularly direct my at-

tention to enforce the execution of all the existing contracts; so that, for the purposes of encouragement, as well as of information, the benefits produced by the expenditures, which the Legislature has occasionally authorised (amounting, since the adoption of the present constitution, to the sum of forty-seven thousand seven hundred and eighty-four pounds six shillings and six pence, exclusively of the allowance to Agents and Surveyors) may be ascertained in the course of the ensuing year. In the meantime, you will have an opportunity to consider the special surveys, which have been returned by the respective Commissioners, appointed in pursuance of the act of the eleventh day of April; the objections which are offered to some of those surveys; the deviation formerly recommended to be made in the course of the Pittsburgh road; and the expediency of a revision of the general laws, concerning the public highways. The causes which were originally assigned, as a justification of the delay in laying out the town at Presqu' Isle, and the road from Reading to that place (although some preparatory steps have been taken in exploring the road) are strengthened by the issue of the late negotiation with the Indians. If, therefore, you contemplate those plans, as of immediate importance, it will be necessary to provide adequate means, for the protection and safety of the Commissioners, who are employed to execute them.

To the several subjects incidentally introduced in the course of this statement, permit me now, Gentlemen, to add others, which, as I before observed, will require the interposition of the Legislature; and on which, I am confident, your wisdom and industry will be usefully and seasonably exercised.

As every transaction that is connected with our Federal Compact that relates to its principles and construction, or affects its popularity and preservation, must be deemed of primary importance, I take the earliest op-

portunity, at the request of the Lieutenant Governor of Massachusetts, to present to your view, the proceedings of the Legislature of that state, on the claim of jurisdiction made by the Supreme Court of the United States, to compel her to appear and answer, as a defendant, in a suit instituted against her by an individual citizen of another state. The discussion of the question, which this communication involves, will unavoidably lead you to consider, even though the power, thus claimed (and supported, indeed, by a decision in another cause, of a similar nature) has been legitimately delegated by the constitution to the Supreme Federal Tribunal; whether experience, the attributes of state sovereignty, and the harmony of the Union, do not require that it should be abolished: but, whatever may be the result of your deliberations on that point, you cannot fail to observe, with virtuous satisfaction, and patriotic pride, that, while an attempt to reform the political systems of other countries, is generally opposed by all the arts of corruption, and embarrassed by all the miseries of intestine tumult, the American government happily provides, under circumstances equally free from influence and fear, for the explanation of whatever may be thought ambiguous, and the amendment of whatever may be found erroneous, in the excellent instrument by which it is delineated.

Before the present session is adjourned, your attention, Gentlemen, will be required, as well to regulate the mode of electing Representatives in Congress, as to apportion the representation in the State Legislature, conformably to the rule declared in the fourth section of the first article of the constitution. The enumeration of the taxable inhabitants, for the latter purpose, has not, however, been yet received. A measure that must be so beneficial to the community, as the institution of public schools, cannot, I am persuaded, require a constitutional injunction, to secure your re-

gard; nor, while the means of diffusing useful knowledge shall be consulted, will you neglect to provide a competent support for the seminaries and teachers of the higher branches of science and literature. The system of our penal law, is still susceptible of some improvement; and I think the law which respects creditors and debtors, might be so meliorated, as to alleviate the severity, to which the latter are exposed, without impairing the justice, that is due to the former. The militia act requires considerable amendments, to render it efficient and satisfactory: some regulations for the assessment and collection of county rates and levies, are indispensable; and the general wish of constituents claims the early establishment of a moderate fee bill. I have, on other occasions, suggested the propriety of seasonably providing against the inconvenience, which will eventually attend the issuing warrants for a greater quantity of land, than remains the property of the state; as well as for ensuring the payment of the stipulated price, at the time of application; and it cannot escape your observation, that some precaution will be necessary to prevent the mischievous controversies, which may hereafter be the consequence of intrusive settlements upon located, though distant tracts of land.

Besides referring these topics to your consideration, permit me to remind you, that the act for extending the time allowed to obtain patents on old warrants and locations; the acts providing for the temporary defence of the western frontiers and the river Delaware; the act supplementary to the general law for preventing pestilential diseases being brought into the state; the act for transferring the powers of the late, to the present, Executive; the act for regulating the exportation of pot-ash and pearl-ash; the act for establishing a Board of Wardens at the Port of Philadelphia; and the act for the suppression of vice and immorality; will all re-

quire a review, on account of the legal limitation of the respective terms of their continuing in force.

Gentlemen of the House of Representatives:

The proper officers will deliver to the Legislature a general statement of the public finances, at the period prescribed by law. In the meantime, however, it may be useful to inform you, that between the first of January, and the thirtieth of November last, the revenues of the state have produced a specie sum of four hundred and eighty-two thousand and twenty-six dollars and eighty-five cents; which, being added to the balance of two hundred and seventy-five thousand seven hundred and twenty-three dollars and four cents, that remained in the treasury at the close of the preceding year, will constitute a sum of seven hundred and fifty-seven thousand seven hundred and forty-nine dollars and eighty-nine cents. The public expenditures, during the same term (including, among other things, the expences of government, the redemption of the public debt, and the subscription to the capital stock of the Bank of Pennsylvania) have amounted to the sum of seven hundred and one thousand six hundred and twenty-eight dollars: and, consequently, at the commencement of the present month, the surplus money in the treasury amounted to the sum of fifty-six thousand one hundred and twenty-one dollars and eighty-nine cents. But, besides the receipts in specie, you will find an accumulation of a considerable quantity of bills of credit; which wait the customary order of the Legislature to be destroyed.

The sources from which the commonwealth draws her pecuniary supplies, being, at length, cleared from embarrassment, doubt and disappointment, will, I am persuaded, be guarded and preserved, with all the care of a prudent and wholesome economy. The principal of these, arising from the dividend on the public shares in the Bank of Pennsylvania, which form a capital of

one million of dollars, will, probably, produce a sum nearly adequate to defray the incidental expences of government, as soon as it shall be discharged from the interest payable on the money, that was borrowed to complete the state subscription. For that purpose, as I have before observed, the Land-office (which promises a long continuance of profit) cannot fail to furnish an ample fund. The product of the permanent taxes on licenses, writs, and official certificates issued under the seals of the state, is of an encreasing nature. And the arrearages of taxes, if properly divided into installments, and the manner of collecting them is rendered more efficient, may still be considered as a valuable resource.

It is proper, however, in this place, to inform you, that a communication from the Secretary of the treasury represents, that in the report of the Commissioners for settling the accounts between the United, and the individual, States, a balance of seventy-six thousand seven hundred and nine dollars is declared against the state of Pennsylvania.

The principal objects, for the public service, which require an appropriation, have been already suggested; and the amount of the certificates, that have been issued for unfunded debt, liquidated during the recess of the Legislature, will be exhibited to you, in the Register General's official report.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

As citizens and legislators of an important member of the Union, you cannot regard, with indifference, the proceedings of the General Government; nor the effects of foreign transactions, upon the tranquility and prosperity of the United States. However distinct the Federal and state jurisdictions may, theoretically, appear to be, they will, in practice, be found mutually de

pendent, and mutually interesting. If they are guided by a correspondent policy, each is happily calculated to strengthen and adorn the other; but the want of harmony in their operations, must be alike enervating and injurious to both. At a period so critical as the present, this great political truth cannot be too generally diffused, nor too publicly avowed. The dignity, the energy, and, perhaps, the peace of our country, depend, not only upon the wisdom of those, to whom the administration of our national affairs is immediately entrusted; but upon the sense, which the people shall manifest of their conduct, and the support, which they shall derive from the constituted authorities of the individual states. For my part, I have uniformly considered a prompt co-operation, in all the constitutional measures of the General Government, as an important duty; and, therefore, I cannot close a recapitulation of subjects deserving legislative attention, without anxiously recommending the principle of that opinion, to all the aid which your representative character, or private influence, enables you to bestow.

THOMAS MIFFLIN.

Philadelphia, December 5th, 1793.

To the Assembly advising of the transmittal of certain documents and rectifying an error in the Governor's late message.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO LAY before you a copy of a letter from the Health-officer, stating his losses during the late calamity, and soliciting an indemnification from the Legislature; a copy of a representation from the same officer, relative to the employing a Harbour Master for the port; and a

copy of the remonstrance of sundry citizens against establishing the proposed canal between the rivers Susquehanna and Schuylkill.

A communication, which has recently been made to me by the Governor of Virginia, shewing that the Legislature of that commonwealth corresponds in the sentiments, expressed by the commonwealth of Massachusetts, upon the claim of jurisdiction, made by the Supreme Court of the United States, in the case of a suit instituted against a state, by an individual citizen of another state, will, likewise, be submitted to your consideration.

Permit me, Gentlemen, to take this opportunity of rectifying a mistake in my late Address: upon recurring to the documents respecting the state subscription to the Bank of Pennsylvania, I find that a warrant was drawn, on the fourth of September last, for fifty thousand dollars, in favor of the President and Directors of that institution; which reduced the sum, to be borrowed for completing the price of the state shares, to two hundred thousand dollars.

THOMAS MIFFLIN.

Philadelphia, December 14th, 1793.

To the Speaker of the Senate announcing the re-appointment of James Dallas to be Secretary of the Commonwealth.

Sir:

BE PLEASED TO INFORM THE SENATE, THAT
I have, this day, re-appointed and commissioned
Alexander James Dallas, to be the Secretary of
the commonwealth, during my continuance in office,

agreeably to the fifteenth section of the second article of the constitution.

I have the honor to be,

Sir,

Your most obedient servant,

THOMAS MIFFLIN.

Philadelphia, December 17th, 1793.

To the Assembly concerning the payments made toward discharging the loan obtained from the Bank of Pennsylvania.

Gentlemen:

FOR THE INFORMATION OF THE LEGISLATURE, permit me to state, that, in pursuance of the power vested in me, by law, I have made two additional payments, out of the unappropriated money lying in the treasury, towards discharging the loan, obtained from the Bank of Pennsylvania, for completing the state subscription to the capital stock of that institution. The first payment, amounting to fifty thousand dollars, was made on the twentieth instant; and the second payment, amounting to thirty thousand dollars, was made this day. The ballance, now remaining due, on account of the loan, is one hundred and twenty thousand dollars.

THOMAS MIFFLIN.

Philadelphia, December 30th, 1793.

To the Assembly concerning the establishment of a fort and the maintenance of a party at Mud Island.

Gentlemen:

PERMIT ME TO REMIND YOU, THAT THE FUND heretofore appropriated, by law, for establishing a fort, and maintaining a party, at Mud-Island, is exhausted; and, that a further provision, for this

service, consequently, requires your immediate attention.

THOMAS MIFFLIN.

Philadelphia, January 7th, 1794.

To the Assembly regarding the transmittal of certain reports from the Land office.

Gentlemen:

IN ADDITION TO MY FORMER REPRESENTATIONS respecting the Land-office, I have directed the Secretary of the commonwealth to lay before you the reports, which have recently been obtained, with a view to your information. By the report of the Secretary of the Land-office it will appear, that, from the second of May, 1792, to the ninth of January, 1794, inclusive, the applications for lands, in the old purchase, upon which no payments have been made, amount to two million seven hundred and forty-six thousand two hundred and thirteen acres; and the applications for lands west of Ohio and Allegheny, under the same circumstances, amount to one million four hundred and thirty thousand six hundred acres. By the report of the Receiver General, you will find the name of the warrantees, the number of warrants made out, but unpaid for, and the total amount of acres, comprised in those warrants, laying in the old and new purchases; and, by a general statement, likewise furnished by the last mentioned officer, you will be able to take a comprehensive view of the amount of the receipts, of every description, in the Land-office, from the eighteenth of June, 1781, to the twentieth of December, 1793. These documents will enforce the necessity of making such alterations in the Land-office, as, in your judgment, shall be best calculated to ensure regularity, certainty, and emolument, in its various operations.

THOMAS MIFFLIN.

Philadelphia, January 20th, 1794.

To the Assembly recommending the renewal of measures for guarding against the introduction of infectious diseases and further provision for maintaining the fort at Mud Island.

Gentlemen:

THE MASTER WARDEN OF THE PORT HAS represented to me, that the information which he has received, through various channels, affords great reason to apprehend, that a pestilential fever rages in several of the West-India Islands, with which we maintain a considerable intercourse. It becomes necessary, therefore, to remind you, that the temporary powers vested in the Governor, by the act of the fifth day of September last, for the purpose of guarding against the introduction of malignant disorders, have expired; and that the precautions, authorised by the preceding act (as you will more particularly perceive from the report of the Health Officer which accompanies this message) are incompetent to the object.

I take the present opportunity, likewise, to inform you, that, unless some legislative provision is made, the fort at Mud-Island cannot be maintained many days longer; though, as the navigation of the river is free from the interruption usual at this season, the establishment is now as necessary as at any former period.

THOMAS MIFFLIN.

Philadelphia, January 24th, 1794.

To the Assembly concerning a resolution of the Senate of the United States declaring void the election of Albert Gallatin as Senator to represent the State of Pennsylvania.

Gentlemen:

THE PRESIDENT OF THE SENATE OF THE United States has transmitted to me an authentic copy of the resolutions of that body, declaring the election of Albert Gallatin, to represent the State of

Pennsylvania as a Senator, to be void. These resolutions the Secretary will lay before you; and I beg leave, while making this communication, to recommend, that the vacancy in an office of so much importance to the commonwealth, may be filled with all convenient dispatch.

THOMAS MIFFLIN.

Philadelphia, March 1st, 1794.

To the Assembly concerning the payment of the loan from the Bank of Pennsylvania.

Gentlemen:

IT IS PROPER TO INFORM YOU, THAT ON THE twenty-fifth of February last, I issued a warrant in favor of the President and Directors of the Bank of Pennsylvania, for seventy thousand dollars; and that, this day, I have issued another warrant, in their favor, for the sum of fifty-one thousand two hundred and forty-five dollars, which sums complete the payment of the loan, borrowed from the bank, to discharge the amount of the state subscription to the capital stock of that institution.

THOMAS MIFFLIN.

Philadelphia, March 13th, 1794.

To the Assembly concerning a quarantine on vessels in the Delaware and recommending a further appropriation for the road from Franktown to Pittsburg.

Gentlemen:

I THINK IT PROPER TO INFORM YOU, THAT, IN consequence of information being received, that a contagious fever rages in the West Indies, I have directed all vessels, coming from that quarter, to per-

form a reasonable quarantine in the stream of the river Delaware opposite to Fort Mifflin; and I have instructed the Secretary to lay before you a copy of the orders which I have issued on the occasion.

I take this opportunity, likewise, to submit to your consideration the representation of the agents of information, stating the deficiency of the fund heretofore appropriated for the road from Frankstown to Pittsburgh; and recommending, in which you will permit me to join them, a further appropriation.

THOMAS MIFFLIN.

Philadelphia, March 13th, 1794.

To the Assembly advising of the reception of the proposed amendments to the Federal Constitution and of the resolutions of the Legislature of North Carolina upon the same.

Gentlemen:

HAVING RECEIVED FROM THE PRESIDENT a copy of the amendments, proposed by Congress, to be added to the constitution of the United States, respecting the judicial power of the General Government, I have directed the Secretary to lay the same before you; and, likewise, to take this opportunity of communicating the resolutions of the Legislature of North Carolina, recently transmitted to me by the Governor of that state, upon the subject to which the amendment relates.

THOMAS MIFFLIN.

Philadelphia, March 20th, 1794.

To the Assembly concerning the militia law.

Gentlemen:

AS THE PRESENT SESSION IS DRAWING TO A close, and the state of our public affairs renders it necessary to take every precaution, for placing our militia on an efficient footing, I think it incumbent upon me to call your attention to that part of the militia law, which directs every enrolled citizen to arm and equip himself, but, at the same time, provides, that, "Whenever the field officers of any regiment shall judge any person, enrolled therein, unable to arm and equip himself, such person shall not be subject to any fine for not arming."

If the proposition, now before Congress, for raising a body of the militia of the United States, should be adopted, it appears to me, that the existing law of Pennsylvania, subject to the qualification which I have cited, does not sufficiently provide for arming and equipping the quota, that will be required from this commonwealth: Permit me, therefore, to recommend the subject to your immediate consideration, in full confidence that you will make such arrangements, as will effectually obviate the difficulty that may, otherwise, occur.

THOMAS MIFFLIN.

Philadelphia, March 31st, 1794.

To the Assembly announcing the resignation of John Nicholson from the office of Comptroller General.

Gentlemen:

MR. NICHOLSON HAS SUPERSEDED THE NECESSITY of a removal, by resigning the office of Comptroller General, which resignation I accepted on Tuesday last.

THOMAS MIFFLIN.

April 14th, 1794.

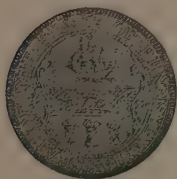
Proclamation Convoking the Assembly to Take Action in connection with the "Whiskey Insurrection."

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania:

By THOMAS MIFFLIN, Governor of the said
Commonwealth.

A PROCLAMATION.



Whereas it appears in and by a Proclamation of the President of the United States, bearing even date herewith, that certain acts have been perpetrated in the western parts of the Commonwealth of Pennsylvania, which he is advised amount to Treason, being overt acts of levying war against the United States; that James Wilson, an associate Justice, on the fourth instant, by writing under his hand, did, from evidence which had been laid before him, notify to the President, that in the Counties of Washington and Allegheny in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshall of that district; and that in the judgment of the President it is necessary, under the circumstances of the case, to take measures for calling forth the Militia; in order to suppress the combinations aforesaid, and to cause the laws to be duly executed: And Whereas it appears to me expedient, that, on this extraordinary occasion, the General Assembly should be convened, for the purpose of taking the premises into their serious consideration, of deriving the necessary means to maintain the peace and dignity of the Commonwealth, and of providing more

effectually, than the existing laws provide, for organizing, arming and equipping the Militia, in order to ensure a prompt and faithful compliance with the orders of Government, and of such requisitions, as the President shall make in pursuance of his constitutional and legal powers: Therefore, and by virtue of the authority in such case to me given, in and by the constitution of the Commonwealth, I have issued this Proclamation, hereby convening the General Assembly; to meet at the State House in the City of Philadelphia, on Monday, the first day of September next; and of which meeting, all persons therein concerned, are required to take due notice.

Given under my hand, and the Great Seal of the said Commonwealth at Philadelphia this seventh day of August in the year of our Lord one thousand seven hundred and ninety-four, and of the Commonwealth the nineteenth.

By the Governor,

A. J. Dallas,

Secretary of the Commonwealth.

Opening Address to the Assembly concerning the
"Whiskey Insurrection."—1794.

Gentlemen of the Senate and Gentlemen of the House
of Representatives:

A SOLEMN DECLARATION OF THE PRESIDENT has announced, that, in pursuance of combinations to defeat the execution of the laws, laying duties upon spirits distilled within the United States, and upon stills, "many persons in the western parts of Pennsylvania, had at length been hardy enough to perpetrate acts, which he is advised amount to treason, being overt-acts of levying war against the United

States." A communication to me has likewise expressed his determination "to take measures for calling forth the militia in order to suppress those combinations, and to cause the laws to be duly executed." These occurrences have appeared, in my judgment, to be of a nature and tendency so interesting and momentous, as to claim, independent of every other consideration, an exercise of the Executive authority, to convene the General Assembly, upon extraordinary occasions.

I am sensible, Gentlemen, of the great inconveniency which, at this season of the year, must attend your compliance with the summons, that has been accordingly issued; but experience justifies an expectation, that you will consider every private sacrifice amply compensated, by the opportunity of contributing to restore public tranquility and order. Unless, indeed, that wholesome subordination to the laws, which confers on virtue its merited safety, which secures to industry its laudable acquisition, and which shelters freedom from the blasts of licentiousness, can be introduced and preserved, we pursue, in vain, the avocations of domestic life, and boast, without pretext, of equal rights and civil liberty.

The impracticability of combining social order with the principles of a free republic, so long the favorite assertion of interested statesmen, seemed already to have received a satisfactory refutation from the experiment, which our country had made. The friends of liberty, who had rejoiced in the accomplishment of our revolution, beheld, with still greater exultation, the peaceable, and almost unanimous, adoption of our federal constitution. The visible effects of this system, raised upon the firm basis of popular representation, and directed to the legitimate objects of government, attracted the attention, and hitherto have excited the

admiration, or envy, of mankind. If, indeed, we examine, more particularly, the operations of the government, we shall find, that, elevating our federal character from a state of degradation, the American Union has been rendered respectable among the nations of the earth. While Europe is involved in all the horrors of war, and is distracted by the embarrassment of her finances, we find our country preserved from a participation in the dreadful conflict; and its treasury exhibiting no claim to diminish the profits of genius or labor, but what is necessarily to protect a distant and defenceless frontier from savage depredations, to pay an honest debt, the price of our national independence, or to defray the unavoidable expenses of government, the price of our political establishment. In other countries, too, the disposition, the interest and the prosperity of the government, may be distinguished from the disposition, the interest, and the prosperity of the people: but so long as the spirit of our social compact continues to operate; so long as the laws are enacted by the immediate authority, and maintained by the ready obedience, of the citizens, that odious distinction cannot be generated here. With the prosperity of the American Government, the prosperity of the American People must be co-eval and commensurate. Thus, the reputation which our government has acquired abroad, the peace which it has preserved at home, and the moderation of its fiscal demands, are intimately and obviously allied to the morality, the industry, the affluence, and the happiness, which appear in all the circles of domestic life.

But a period has unfortunately arrived, which renders it indispensable to remark, that this scene, so honorable and so beneficial to our country, can only be perpetuated by the efficient means, which have produced it. The establishment of a free government, with a competent legislative power, and the certainty

of submission to the laws when duly made, were the real sources of our prosperity:—nothing more will be necessary to convert all our enjoyments into cares, than the dissemination of an unmerited contempt for the government, which the people have thus created, or the practice of an unconstitutional opposition to the laws, which they have thus authorized to be enacted. Such proceedings, indeed, are not less unreasonable in their nature, than pernicious in their consequences. It is unreasonable in a republic, to oppose a measure, which our Representatives have been empowered to adopt: it is unreasonable to risque the subversion of the government, merely to extort, what a change of our Representatives may procure: it is unreasonable to resist by the force of arms, what could not be prevented by the force of argument: and above all, it is unreasonable that the few should counteract the will of the many, or that a part of the community should undertake to prescribe to the whole.

I enquire not, Gentlemen, whether there was any original impolicy, or whether there is any oppressive operation in the laws, which the present occasion particularly contemplates: it is enough for my object to know, that they exist by an authority competent to make them; for, this knowledge (speaking as a Magistrate, or as a Freeman) is enough to convince me, that they ought to be obeyed. If an abstract opinion, controverting the policy of any legislative act; or if a partial inconvenience resulting from the operation of a general law, shall be deemed a sufficient vindication for disobedience, and hostile opposition, to the government, on what foundation can we longer rest the national hopes of respect, tranquility and order? In a country so extensive, with interests so various, and with habits so diversified, can we expect from human wisdom, a system of legislation, that shall reconcile every difference or gratify every prejudice? Or is

there any principle of discrimination, that will warrant a compliance with the local pretensions of one district, and justify the denial of a similar indulgence, to the local pretensions of any district, in the Union? Enquiries of this kind must inevitably terminate in a conviction, that there is no alternative in a free country, but a submission to the laws ordained by the regular exercise of constitutional authority; or a subjection to the anarchy, produced invariably by a popular disregard of social obligation. Here, therefore, is the point for serious deliberation: for should the vent be unpropitious to the laws, the glorious harvest of our revolution will be wantonly laid waste; the foes of freedom and republicanism will acquire new energy from our disgrace; the present age will regard our conduct with contempt, and posterity will pronounce our names with detestation. To us, Gentlemen, in particular, this dreadful reflection must bring additional pain, should the calamity which it contemplates, be occasioned, or prompted, by the fatal example of Pennsylvania.

That the acts of Congress, commonly called Excise-laws, had created considerable discontent in various parts of the state; that this discontent had been manifested, not only by a non-compliance with the laws, but by an irregular and violent conduct towards the officers, who were employed to execute them, have long been circumstances of public notoriety; and, at an early period of my administration, were mentioned as a proper subject for legislative animadversion. With a design to facilitate the measures of the Federal Government, I employed, likewise, repeated opportunities to inculcate the indispensable duty of obedience to the laws; and, from time to time, I received with peculiar satisfaction, the strongest assurances, that, on the part of the state officers, every reasonable exertion would be made, to conciliate the minds of their fellow citizens, and to effectuate the acts of the Union. It is to

be lamented, however, that the result of these efforts, has not corresponded with the expectation which I had formed. The spirit of lawless opposition seems to have acquired fresh vigour during a transient sleep; and, being at length excited into action, it has recently violated the public peace, overthrowing, in its career, the barriers of personal safety, and the safeguards of private property.

From the information, which I have collected through various channels, and the result of which it is my duty, Gentlemen, to submit to your observation, it may be conjectured, that, at the period of perpetrating the late outrageous riots, in the western parts of the state, the principal source of discontent, had been augmented by several collateral considerations. Under circumstances peculiarly inauspicious, therefore, the Marshal of the district seems to have entered the western countries, to serve certain judiciary process, by which a number of citizens, who had omitted to enter their stills, agreeably to the act of Congress, were summoned to appear at a District Court, to be holden in the city of Philadelphia. From the documents which I have had an opportunity of examining on the subject, it appears, that this officer was allowed, without injury, or molestation, to discharge his duty in the county of Fayette; that proceeding for the same purpose, in the county of Allegheny, he requested the company and assistance of General Nevill, the Inspector of the revenue; that while thus accompanied he suffered some insults, and encountered some opposition; that considerable bodies of armed men, having at several times demanded the surrender of General Nevill's commission and papers, attacked and ultimately destroyed his house and other valuable property; that these rioters (of whom a few were killed and many wounded) having made the Marshal, together with other citizens, prisoners, released that

officer in consideration of a promise that he would not serve any more process on the western side of the Allegheny mountain; that, under a just apprehension of violence, General Nevill, before his house was destroyed, applied to two of the Judges of the county of Allegheny for the protection of his property, but the Judges on the seventeenth day of July, the day on which his house was destroyed, declared that they could not, in the present circumstances of the country, afford the protection that was requested, though they offered to institute prosecutions against the offenders; and that General Nevill and the Marshal, menaced with further outrage by the rioters, had been under the necessity of repairing, by a circuitous route, to Philadelphia. To this out-line of the information, which was received immediately after the riots, the stoppage of the public mail, the expulsion of several friends to government from Pittsburgh, and the measures taken to establish a correspondence and concert among the rioters, must be regarded as circumstances of great aggravation and alarm.

As soon as the intelligence of these lawless proceedings had arrived, letters were addressed, under my instructions, to every Judge, Justice, Sheriff, Brigade Inspector, in short, to every public officer, residing in the western counties, expressing the regret and indignation, which the event had produced; and requiring the exertion of their influence and authority to suppress the tumults and punish the offenders. The Attorney General of the state was, likewise, desired to investigate the circumstances of the riot, to ascertain the names of the rioters, and to institute the regular process of the law for bringing the leaders to justice. This judiciary course of proceedings, the only one, which at that period, appeared lawful to be pursued on my part, was recommended by the success that had attended it upon former occasions. Riots have hereto-

fore been committed in opposition to the laws of Pennsylvania, but the rioters have been invariably punished by our courts of justice. In opposition to the laws of the United States, in opposition to the very laws now opposed, and in the very counties supposed to be combined in the present opposition, riots have, likewise, formerly occurred, but, in every instance supported by legal proof (and several such instances are specified in the documents that accompanied my address to the Legislature on the seventh of December, 1792) the offenders have been indicted, convicted, and punished, by the tribunals of the state. To support the authority of the Union, by an exertion of the authority of the state, has ever, indeed, constituted a favorite object of my official attention: and I shall always be persuaded, that if the purposes of justice can be attained, if obedience to the laws can be restored, and if the horrors of a civil war can be averted, by that auxiliary intervention, no idea of placing an individual state in too distinct—too important a point of view, or of interfering with the exercise of a concurrent federal jurisdiction, can be sufficiently clear or cogent, to supercede such momentous considerations.

But it may be suggested, that the extent and violence of the late disturbances required a more energetic course, and would have justified an immediate interposition of the militia. For my part, Gentlemen, I confess, that in manifesting a zealous disposition to secure obedience to the constitution and laws of our country, I shall ever prefer the instruments of conciliation to those of coercion, and never, but in the last resort, countenance a dereliction of judiciary authority, for the exertion of military force. Before the President had determined to employ the militia on this occasion, the incompetency of the judiciary department of the government of Pennsylvania, to vindicate the violated laws had not been made

sufficiently apparent. That the laws of the Union are the laws of the state, is a constitutional axiom that will never be controverted; but the mere circumstance, that the riots were committed in opposition to the laws of the Union, could neither enlarge, nor alter, the powers of the State Government; for in executing the laws, or maintaining the authority of the Union, the officers of Pennsylvania can only employ the same means, by which the more peculiarly municipal laws and authority of the state are executed and maintained. Under a solemn conviction, then, that the military power of the government ought not to be employed, until its judiciary, after a fair experiment, has proved incompetent to enforce obedience, or to punish infractions of the law, I conceived that nothing more was due to good faith and justice than an assurance that the measures which were taken would have been precisely the same, had the riot been unconnected with the system of federal policy. If the riot had been unconnected with the system of federal policy, the vindication of our laws upon the arrival of the first intelligence would have been left to the ordinary course of justice; and only in the last resort at the requisition, and as an auxiliary of the civil authority, would the military force of the state be called forth.

For, it is of some importance, Gentlemen, to recollect that, at this time, no positive law of the state exists, by which the exigency that will justify an appeal from the political, to the physical, strength of our country, is defined; or by which the evidence, to prove the existence of that exigency, is regulated and prescribed. It is true, that, in seasons of tumult and insurrection, when the civil authority has declared itself incompetent to the discharge of its functions, a duty may be presumed to result, from the nature and constitution of the Executive Office, to aid the execution of the laws, by every other legitimate means,

But in the performance of a discretionary trust, so charged with official responsibility, as it affects the Magistrate, and so exposed to patriotic jealousy as it affects the citizens, every construction of the circumstances that occur, should, in my judgment, be the effect of serious deliberation; and every step that is taken, in a military course, should be directed and circumscribed, by the necessity which impels it. Besides, therefore, the recollection that in similar extremities the judiciary department of our government had maintained its authority, by punishing the violators of the public peace; and besides the defect originally of satisfactory proof to evince that, on this occasion, its authority had failed; there were considerations of policy, that added a powerful influence to recommend the lenient course, which, as an Executive Magistrate, I had determined to pursue.

In a free country, it must be expedient to convince the citizens of the necessity, that shall at any time induce the government to employ the coercive authority, with which it is invested. To convince them that it is necessary to call forth the military power, for the purpose of executing the laws, it must be shewn that the judicial power has in vain attempted to punish those who violate them. The citizens of Pennsylvania (however a part of them may, for a while, be deluded) are the friends of law and order; but when the inhabitants of one district shall be required to take arms against the inhabitants of another, their general character did not authorize me to expect a passive obedience to the mandates of government. I believed, that as freemen they would enquire into the cause and nature of the service proposed to them; and I believed that their alacrity in performing, as well as in accepting it, would essentially depend on their opinion of its justice and necessity. Hence, therefore, my solicitude, to ascertain, in the clearest manner,

whether the judiciary authority had been tried in vain: for, under an assurance, that every other reasonable expedient had been resorted to, I was confident that the public opinion would sanctify the most vigorous exertion of the whole force, which the constitution and laws of the state entrust to me; and that every good citizen would willingly lend his aid, to strengthen and promote the measures that were thus unavoidably employed for restoring the authority of the laws.

Upon great political emergencies, the effect, likewise, of every measure, should be deliberately weighed. Anticipating the probable consequences of an awful appeal to arms, I could not avoid impressions, which are of a nature too painful, and too delicate, for public recapitulation; but which will readily occur to every reflecting mind.

From the situation that has been represented, I was relieved, however, Gentlemen, by the conduct which the Federal Government has determined to adopt upon the occasion; and by which, it is obvious, that my interference, in a separate and unconnected manner, to embody any part of the militia, would be rendered uselessly expensive to the state, unnecessarily burthensome to the citizens, and might be eventually introductory of embarrassment and confusion, instead of a system and co-operation. The complicated nature of the outrages, which were committed upon the public peace, gave, indeed, a jurisdiction to both governments; but in the judiciary, as well as in the military department, it would, perhaps, be expedient, that the subject should be left entirely to the management either of the state, or of the General Government: for the very important difference, which is supposed to exist in the nature and consequences of the offences, when contemplated by the laws of the United States, and when contemplated by the laws of Pennsylvania, must, otherwise, destroy that uniformity in the defini-

tion of crimes and the apportionment of punishments, which has always been deemed essential to a due administration of justice.

You will perceive, Gentlemen, from the documents which I have directed to be laid before you, that, treading in the regular path designated by an act of Congress, the President has received a notification from an Associate Judge, stating, according to the terms of the act, "That in the counties of Washington and Allegheny, in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed, by the ordinary course of judicial proceedings, or by the powers vested in the Marshal of the district." The legal operation of this certificate having authorized the President to call forth the militia of this, and of any other state, to suppress such combinations, and to cause the laws to be duly executed, a requisition for that purpose has been accordingly issued, and copies of it will be communicated for your information. Leaving it, therefore, as I ought, to the judgment of the President, to choose, on such evidence as he approved, the measures for carrying the laws of the Union into effect; and feeling, as I ought, the influence of my federal obligations, I did not hesitate to give a full and unequivocal assurance, that whatever requisition he might make, whatever duty he might impose, in pursuance of his constitutional and legal powers, would, on my part, be promptly undertaken, and faithfully discharged. Actuated equally by the regard due to my immediate trust, and the desire to co-operate with the plans of the General Government, I have, likewise, published a proclamation, declaring (as far as I can declare them) the sentiments of the government; announcing a determination to punish the offenders; and exhorting the citizens at large to pursue a peaceable and patriotic conduct: I have engaged two respectable citizens

to act as Commissioners, for addressing those who have embarked in the present combination, upon the lawless nature, and ruinous tendency of their proceedings; and for inculcating the necessity of an immediate return to the duty which they owe to their country: and I have convened the Legislature, in order that those defects in the existing laws of the state, which obstruct or retard the use of the proper instruments for maintaining the dignity of the government, or for complying with the requisitions of the President, may be amended; and that the ultimate means of subduing the spirit of insurrection, and the restoring tranquility and order, may be prescribed (consistently with the jurisdiction of Pennsylvania) by your wisdom and authority.

Having thus, Gentlemen, laid before you the circumstances, that have attended the very serious event, which has occasioned your present meeting, it cannot, I presume, be necessary to offer any further arguments, to engage you in the indispensable task of providing, with a prompt, firm, and patriotic policy, for the maintenance of a cause, in which the honor and existence of our government are critically involved. You will perceive, from the papers, which the Secretary is directed to deliver, that every conciliatory effort has been made, as well by the General Government, as by the state, to convince the deluded insurgents of their error, to reconcile them to their duty, and to re-establish the violated authority of the laws: you will be satisfied, from the present state of our information, that we can no longer cherish a reasonable hope, that the judiciary authority of the government, is competent to enforce obedience to the acts of Congress, or to punish the outrageous offences, which have been committed in the course of an opposition to them: and you will feel, under the most sacred obligations of duty, under the strongest incentives of interest, the

force of the resulting alternative which now presents to our choice, a dereliction of our official trust, or the most vigorous exertion of our constitutional powers.

But not only as guardians of the public welfare, and of the equal rights of our constituents;—let me, likewise, call upon you, Gentlemen,—let me solemnly call upon our fellow citizens of every description,—as individuals bearing testimony against a lawless proceeding, to exercise all the influence of reason and example, in counteracting the fatal effects of a spirit, so hostile to the public order of society, and to the private happiness of man. There is no member of the community, so elevated by opulence, or so depressed by poverty—so weak or so feeble, in the condition of his mind or body,—but he must feel his dependence upon the benignity of the laws: for, a general submission to the law, is the certain, though the only, medium (as I have already intimated) by which the public is enabled to extend security to property, and encouragement to industry; by which it arms the feeble against outrage, and shelters the unfortunate from want. To violate this palladium, upon any pretext, is to set an example for violating it upon every pretext: and to permit it, in the first instance, with impunity, is, in effect, to invigorate every subsequent attack. The duty of the government being thus intimately combined with the interests of the people, I anxiously hope, that the ready and effectual aid, which the public measures will receive, at this crisis, from the zeal and spirit of a militia, composed of enlightened and patriotic freemen, will leave the enemies of liberty hereafter without a pretext, for asserting that a standing army is necessary to maintain the authority of the laws.

It is incumbent upon me, however, Gentlemen, to renew at this period, the representations, which I repeatedly made, during the last session, relative to

the radical imperfections of the existing system, for organizing and regulating the militia of the state. Such embarrassments, indeed, daily occur, that the candor, which ought to prevail in my legislative communications, and the attention that is due to my executive character, impel me to declare, that without some essential alterations and amendments in the law, I cannot be responsible for a punctual compliance with the requisitions of the President, or a seasonable exertion of the military force, in aid of the civil authority. The insufficiency of the penalties to induce a performance of military duties; the inadequate means for recovering those penalties; the want of a fund to defray contingent expenses; the inconsiderable compensation of some of the officers compared with their duties; the ineffectual regulations for compelling individuals to procure arms and equipments; and the want of a public arsenal, with a competent supply of arms and ammunition; are among the obvious defects which claim immediate consideration. Some of the general arrangements have, likewise, been found inconvenient in practice; and many parts of the law are so ambiguous, as to produce different constructions, in different counties of the state. Permit me, at the same time, to suggest, that general provisions ought to be made, for ascertaining the occasion, on which the military may be employed in support of the civil authority; and for regulating, more efficiently than at present, the mode of complying with the requisitions of the President. The latter provision, indeed, deserves immediate attention; as a requisition has been made (a copy of which, and of the proceedings in relation to it, you will have an opportunity of perusing) for a draft of ten thousand seven hundred and sixty-eight of the militia of this state, as our quota of the detachment of eighty thousand men, directed to be organized, and held in readiness to march at a mo-

ment's warning, in pursuance of a late act of Congress. Whatever may be the issue of the existing circumstances of our country, which furnish an immediate occasion for these military preparations, the endeavour to improve, and perfect our militia system, ought not to be relinquished, or relaxed. The rapid augmentation of the population, opulence, and national importance of the Union, must, in the usual course of sub-lunary events, expose us to those external dangers, and internal agitations, which are inseparable from the human character and condition. It becomes, therefore, our highest duty, to be at all times prepared to repel hostilities against the nation, and to preserve subordination to the laws: and this can only be effected, with safety to our freedom and independence, by a well regulated militia, who shall add to a sense of their rights, a knowledge of the means to assert them.

Since the transactions, to which your attention has hitherto been directed, have imposed the necessity of an immediate call of the Legislature, it is some consolation, Gentlemen, that I shall now enjoy the benefit of your advice and authority upon another subject, which has likewise, been the source of some embarrassment. In compliance with the directions of the several acts, relative to the establishment of a town at Presqu' Isle, I appointed Commissioners for making the surveys, and formed, upon the principles which the law prescribes, a detachment from the state troops, to protect those Commissioners in the execution of their trust. When, however, they had proceeded a considerable distance in their course to Presqu' Isle, accounts from a variety of quarters concurred in raising a serious apprehension, that the projected settlement, would be hostilely opposed by the Six Nations, and other ill-disposed persons in the neighborhood of our northern frontier. It became necessary, therefore, for the purpose of repelling the threatened invasion of

our territory, as well as for preventing a disappointment of the legislative intentions, to re-inforce the detachment, which accompanied the Commissioners; and orders were accordingly issued to draft a thousand militia from the western brigades, for that particular service. But, when these orders were communicated to the President (the law, and every step taken to execute it, having in like manner been previously communicated) he declared "an opinion, formed upon mature reflection, that it was advisable to suspend for the present the establishment at Presqu' Isle." The reasons that have been mentioned as the ground of this opinion, appear in the correspondence, which will be laid before you; and you will there, likewise, perceive that, under the uniform influence of an official disposition to promote the views of the General Government, of an earnest desire to cultivate every possible means of peace, and of a personal confidence in the judgment and patriotism of the President, a prompt compliance, on my part, followed the communication of his opinion and request. Aware, however, of the policy of the Presqu' Isle establishment, in adding strength to the means of protecting our distant frontier, and of its justice in maintaining the system for the settlement of the public lands, by the sale of which a sufficient revenue had been produced to exonerate the state from the pressure of her debts, I received with peculiar satisfaction an assurance, that the obstacles to its accomplishment were of a temporary nature, and that no exertion would be omitted to remove them. On any other terms, indeed, my authority could not have extended to an acquiescence in the President's wishes; for you will find it expressly stated in the opinion which the Attorney General gave upon the subject, that I could not justify an omission to conform to the directions of the act, though I might justify any delay consistent with the performance of

the duties enjoined, within the time prescribed. The act, it is true, did not in positive terms, prescribe any specific time; but in its language it is imperative and obligatory: and to demonstrate the legislative expectation of a speedy execution of the trust confided to me, it can only be necessary to consider, that by the first regulation, the time allowing a bounty to persons who shall actually inhabit and reside within the town, was limited to the first of January, one thousand seven hundred and ninety-four, that by the second regulation, it is only protracted to the first of May, one thousand seven hundred and ninety-five, and that by the third regulation the very existence of the companies, from which the detachment is formed to carry into effect the act for laying out the town, is limited (in its utmost extent) to the constitutional period of the meeting of the General Assembly in the ensuing month of December.

But, Gentlemen, as I have received no intimation of the removal of the obstacles, which induced the President to request a temporary suspension of the proceedings, for accomplishing the object, it is now incumbent upon me to refer the subject to your consideration. As Executive Magistrate my discretion is circumscribed by the terms of the act; but if you shall be of opinion, that the interest of the Union, requires in any degree, a sacrifice of the local interest of the state, your power is competent to decide the question; and the decision will, I am confident, be marked with that liberality, which has ever distinguished the legislative conduct of Pennsylvania, in transactions of a federal nature. It is proper to apprise you, however, that in order to pacify the Six Nations, a treaty will shortly be held with them under the authority of the General Government; and that, on that occasion, their pretended claims upon the territory of the state (which

have already been used as a pretext for the opposition to the settlement at Presqu' Isle) will, probably, be strenuously urged. I did not think myself authorized to send a Commissioner to the treaty, or in any other manner to countenance a discussion, which might bring the rights of the state into question; or raise an expectation of obtaining a further consideration for a property which we have fairly purchased, as well from the United States, as from the Indians: but I have furnished the President with authenticated copies of our title, and of documents to shew, that it has been repeatedly recognized, by the very tribes, who, at this time, venture to deny and contravert it.

I cannot leave this subject, Gentlemen, without recommending to your consideration, the expediency of adopting a permanent and general plan for the defence of our frontier, at least during the continuance of the Indian war. The detachment which was formed to protect the Commissioners, in laying out the town at Presqu' Isle, has established for its security a fortified post at Le Boeuf, the place which it had reached when its march was interrupted. Connected with that important station, are several points of defence, from the west branch of Susquehanna, on the one hand, and from Pittsburgh on the other, which being seasonably and effectually occupied, will, in my opinion, be the means of producing the most salutary effects upon the general operation of the war, conducted under the authority of the United States, at the same time that it will afford safety to the exposed inhabitants of the frontier, give encouragement for forming settlements on the distant tracts of uncultivated land, and ensure a reduction of the heavy expense incurred by those casual and frequent drafts from the militia, which the exigencies of the country have hitherto rendered unavoidable.

The necessary limitation of the present session, and

the strict attention, which, I am persuaded, you will be disposed to devote to its immediate object, forbid my introducing any business, that does not indispensably require your legislative care. There are, however, a few subjects, which, as matter of information, it would be improper to omit.

Among these, Gentlemen, permit me to state, that the intelligence which has been received, of the prevalence of malignant and contagious diseases, in the islands of the West Indies, in New Orleans and the Spanish Main, and also in New Haven, in the State of Connecticut, rendered it expedient to issue the proclamations, directed in such cases by the law, for enjoining the performance of a reasonable quarantine, upon all vessels that should arrive from any of the infected places. Though the recollection of the awful scene that lately occurred, excites a general solicitude, the public health has hitherto existed, in a degree of perfection, seldom enjoyed at this season of the year; and its preservation from all external injury, may be confidently expected from the new system, regulating the Health Office, and the vigilance of the officers. It appears, however, from the report of the Inspectors, that in performing several essential duties, and in erecting, or altering the buildings on State Island, for the indispensable uses of the department, a debt has been incurred, for which the law has not otherwise provided, than by charging it on the contingent, precarious, and at present unproductive fund, of penalties and forfeitures. Justice seems, therefore, to recommend, that more certain means of payment should be speedily appropriated.

In the course of executing an act of Congress, measures have been taken by the Federal Government, to fortify the harbour of Philadelphia; in consequence of which considerable sums have been disbursed, and great alterations have been made, at the fort upon Mud-Island, according to a plan, which will be sub-

mitted to your inspection. I have found it advisable to direct a quantity of hewn stone, which on this occasion, has been removed, as useless from the fort, to be sold for the public emolument: but, if (as it is, perhaps, contemplated) the possession and jurisdiction of a place, so important to the commerce and safety of our capital, is to be surrendered to the United States, you will perceive the necessity of authorizing that surrender, by an express declaration of the Legislature.

The Land-office continues to be a fruitful source of revenue; having produced the sum of five hundred and ninety thousand two hundred and twenty-six dollars and eight cents, since the twentieth of December last. But some effectual precautions ought to be taken to prevent the discredit and confusion, which I have anticipated, in former communications, as the inevitable consequences of the sale of a greater quantity of land than remains the property of the public. The act which was passed at the last session, with that view, has not in its principle proved sufficiently operative, and, even in its language, requires explanation and amendment.

You will receive, Gentlemen, among the various papers, that will be presented upon the subject of my address, an abstract of the state of our finances, from the first of January to the sixteenth of August, one thousand seven hundred and ninety-four. From this, it will appear, that during the specified period there has been added a sum of seven hundred and two thousand two hundred and eight dollars and eighty-eight cents, to a specie balance of thirty-five thousand two hundred and eight dollars and eighty-eight cents, previously in the treasury. The appropriations and expenses of the whole of the current year, computed at two hundred and twenty-three thousand five hundred and eleven dollars, being deducted from the aggregate of the actual receipts, will leave a surplus of one hundred and eighty-seven thousand seven hundred and

sixty-six dollars and forty-four cents, which, together with the product of the revenues during the residue of the year, remains subject to your disposal. It may be proper, however, to be guided in your appropriations at this time, by a recollection that several of those sources of revenue, which have hitherto been the most productive (particularly the sale of lands, and the collection of the arrearages of taxes) are nearly exhausted, and will soon entirely cease to flow. If, therefore, means could be devised to profit by this accumulation of money, without diminishing the capital, I think the policy of the measure is recommended, by calculating that it would so augment the public income, which arises from the ordinary taxes, and the dividend on the state property in the stock of the Bank of Pennsylvania, as to yield an abundant annual supply, for all the incidental wants, and beneficial pursuits, of the government. That a mass of public treasure should be suffered to lie inactive during the considerable period that frequently elapses between the different sittings of the Legislature, is a defect in our fiscal arrangements, that certainly requires attention and amendment.

Gentlemen of the House of Representatives:

The officers of accounts will exhibit to you, the ordinary objects, that require a pecuniary appropriation; and the continental, and state, bills of credit, that are collected in the treasury. But, in the present state of our finances, I am induced to further recommend to your attention, the propriety of discharging the loan of twenty thousand pounds, which was obtained in the year one thousand seven hundred and ninety-one, from the bank of North America, upon a mortgage of the duty imposed upon sales at auction; a fund that has hardly produced enough to pay the interest of the loan. With respect to the appropriations, which

the present exigency of our affairs shall require, I am confident that, guided by the principles of true policy, you will not embarrass the prosecution of objects, upon which the existence of our government may depend, by a rigorous and unseasonable parsimony. Regarding the end as worth our attainment, you will not withhold the necessary means: and I think you may be assured, that whatever you shall grant for the public service, will be expended with economy and fidelity.

Gentlemen of the Senate and Gentlemen of the House of Representatives:

In the close of these communications, you will receive, with a generous and patriotic satisfaction, an intimation, that the judicious exercise of the powers entrusted the western Commissioners, has at length opened, in that quarter, a prospect of returning harmony and order. Let not the preparations to maintain, at all events, the authority of the laws, be suspended or omitted; but while the occasions for domestic unanimity seem to multiply, we may surely cherish, as a fair and honorable source of consolation, the dawning hope, that the present concussion will terminate in the triumph of virtue and reason. On ourselves, it will be the highest encomium,—to our enemies, it will be the severest disappointment,—that developing, in every political vicissitude, the peculiar energies of a republican system, our citizens have required no other rule of obedience, than the recollection of their interest and duty; and our governments have manifested no other pride of action than the peace and happiness of our people.

THOMAS MIFFLIN.

Philadelphia, September 2d, 1794.

To the Assembly concerning instructions from the Governor to the Adjutant General directing the Admission of voluntary Enlistments in the Militia.

Gentlemen:

THE PROSPECT OF OBTAINING A SEASONABLE compliance with the President's requisition, for a draft from the militia of Pennsylvania, to assist in suppressing the insurrection in the western counties, has so greatly diminished, that I have thought it incumbent upon me, for the honor and interest of the state, to direct, that voluntary enlistments should be admitted. A copy of my instructions to the Adjutant General, upon that subject, will be laid before you, and, I trust, the measure will meet your approbation and sanction.

THOMAS MIFFLIN.

Philadelphia, September 8th, 1794.

To the Adjutant General of Pennsylvania directing the admission of voluntary Enlistments in the militia requisitioned by the President to assist in suppressing the insurrection in the Western Counties.

Sir:

AS I THINK THAT THE HONOR OF THE STATE is peculiarly interested, in manifesting a determination to suppress, by every legitimate means, the insurrection which exists in the western counties, I have waited, with the greatest anxiety, for the execution of the instructions that were issued, in order to organize a body of militia, to be employed in that service agreeably to the President's requisition of the seventh ultimo. It is with the utmost mortification, therefore, that I now discover, in the returns which you have communicated to me, so great an indisposi-

tion, in some of the brigades, to comply with that call, or so essential a defect of power in the officers, to enforce it, as leaves but little hope that our quota can be reasonably raised, by the ordinary course of proceeding.

Thus situated, I must either expose the state to the reproach and disgrace of an official representation, declaring the incapacity, or the unwillingness, of its militia, to assist in restoring the violated authority of the laws: or I must resort to the spirit and patriotism of individuals, to supply immediately, by voluntary enrollments, the deficiency of the regular drafts. Impressed with the importance of the occasion, and attached to the reputation, as well as to the peace of our country, I cannot hesitate, in this alternative, to prefer the latter measure.

You will be pleased, therefore, Sir, with all possible dispatch, to renew, in the most pressing terms, your instructions to the several Brigade Inspectors, under the general orders of the eighth ult. and inform them, at the same time, that for the whole, or for so much of their respective quotas, as cannot be seasonably supplied by regular drafts, they may admit and return the voluntary enrollments of any well disposed citizens. For my own part, though I lament the dreadful necessity of an appeal to arms; I avow a readiness personally to engage in the service which our country, at this crisis, requires; and shall accompany my fellow citizens to the scene of duty, with alacrity and confidence. Should even this arrangement fail, I invite every patriotic citizen to consider himself included in the requisition; and, on the day which shall be appointed by the President for repairing to the rendezvous, I will march with those who shall attend.

It is obvious, indeed, to every reflecting mind, that if our governments are worth preserving, an immediate and decisive exertion must be made. The judi-

ciary department having proved incompetent to discharge its functions should the conciliatory efforts of the Executive be, likewise, abortive, we can have no other resource, at this period, than in the military strength of the nation. Let every citizen then put his hand upon his heart and declare, whether any thing has been omitted which could reasonably be employed to reconcile the insurgents to their duty? and, if nothing has been omitted, let him add, whether he is willing to abandon, as a prey to anarchy, the freedom and independence which we have so recently rescued from the hand of usurpation? Or whether, as an alternative, he is prepared to leave them to the protection and support of a standing army? A free republic can only be established by the will of the people:—it can only be perpetuated by their affection and attachment.

I shall submit these instructions to the Legislature, in whose aid and countenance, on the present occasion, I repose unlimited confidence; but I shall postpone any official communication to the President, till the effects of my proposition are ascertained.

I am, Sir,

Your most obedient servant,

THOMAS MIFFLIN.

Philadelphia, September 8th, 1794.

To Josiah Harmar, Esquire, Adjutant General of the Militia of Pennsylvania.

To the Assembly urging prompt compliance with the President's requisition for militia to aid in suppressing the insurrection in the Western Counties.

Gentlemen:

THE STATE OF THE NEGOCIATION WITH THE deluded inhabitants of the western counties, rendering it very doubtful, whether peace and order can be restored, without the aid of a military

force, the President has requested me immediately to assemble the quota of the militia of this state, destined for that service. Under the circumstances, which I have already described to you, I cannot withhold an active and personal interposition to prevent the disgrace that must attend the non-compliance with this requisition. I have, therefore, on the principles stated in my last message, exhorted the officers of the militia, of the city and county of Philadelphia, to exert themselves for their own honor, and for the sake of their country; and I purpose to call on every brigade included in the requisition, in the same manner and for the same purpose.

Be assured, Gentlemen, our fellow citizens will, on this occasion, maintain their character, as friends to law and order; and to ensure success, I have only to repeat an earnest solicitation that our joint exertions may not be defeated by a parsimonious policy.

The necessary attention to my executive duties, under the President's requisition, will probably require my absence from the city, for a few days; but I shall make it a point to return before any objects of a legislative nature can be matured for my consideration.

I cannot avoid taking this opportunity to express my sanguine expectation, that the continuance of a mutual confidence, between the Legislative and Executive Departments of our government, will give energy to all our measures, and convince our fellow citizens, that, while we comprehend the extent of our duties, we are not wanting in zeal or power to perform them.

THOMAS MIFFLIN.

Philadelphia, September 10th, 1794.

To the Assembly further concerning the State of the
insurrection in the Western Counties.

Gentlemen:

I HAVE THE PLEASURE TO INFORM YOU, that I have found our fellow citizens, in the counties of Chester and Delaware, eager to support the honor of our government, and the authority of the laws, against the violence of the present lawless combination. The defects in the militia system, the mistakes of the Brigade Inspectors relative to the extent of their orders, the insufficiency of the pay, and a want of information respecting the necessity and justice of the expedition against the insurgents, occasioned some difficulty and delay—but the moment the circumstances, which have produced the existing crisis in our public affairs, were stated and explained, the sentiments of patriotism pervaded every breast, and a determination to aid the measures of government was unanimously expressed—The only question any where proposed was, whether the insurgents had refused to listen to reason—and the answer was every where satisfactory, that if they would listen to reason it never was intended to subdue them by force.

Permit me, Gentlemen, to observe, that the non-execution of the President's requisition, in the other counties to which it extends, is probably owing to the same causes, and may be obviated by the same means. I shall, therefore, think it my duty to prosecute the tour which I mentioned to you in a late message, and entreat the favor of any accommodation in transacting our legislative business that can be granted, consistently with your duty and conveniency.

THOMAS MIFFLIN,

Philadelphia, September 17th, 1794,

Opening address to the Assembly—1794.

Gentlemen of the Senate and Gentlemen of the House of Representatives:

I TAFFORDS ME THE HIGHEST SATISFACTION, to meet you under circumstances, which justify an assurance, that law, order and tranquility, have been restored in the western counties of the state. The crisis, which occasioned the late extraordinary call of the Legislature; which menaced the reputation, as well as the peace, of the community; and which imposed the necessity of resorting from the judicial, to the military power; has been resisted and overcome, in a manner equally honorable and efficacious. Such, indeed, have been the measures pursued, and such has been their success, that the sensations of indignation and regret, which the insurrection originally excited, in the mind of every virtuous citizen, will be fairly exchanged, for the sensations of an honest pride, and a laudable exultation. That men should be so depraved as to swerve from the duty, which they owe to society; or so ignorant as to abandon the interests, which they derive from its protection; may be reckoned among the imperfections of our nature, and will be found among the sources of public calamity in every age, and in every country. But the example of an enlightened people, rising, with zeal and affection, to maintain the constitution, which they had established with freedom and deliberation; of an insulted government solicitous to reclaim, rather than punish, its deluded or refractory citizens; and of an extensive republic possessing the power to enforce obedience to its laws; has, for the first time, been exhibited to the world, and forms the glorious characteristic of the American nation.

At the opening of the last session, I communicated the circumstances of riot and outrage, which attended

the insurrection; and the steps which had been taken on the part of the United States, as well as of Pennsylvania, to rescue the offenders from their delusion, by the influence of reason and truth; or, in the event of an obstinate perseverance in a lawless course, to subdue and punish them. Actuated by passions the most intemperate, and seduced by hopes the most visionary, the insurgents slighted all the overtures of government; falsely construing its benevolence into fear, and its aversion to the use of force, into the consciousness of a defect of power. The pleasing prospect, therefore, of reconciling them to their duty by amicable means, could no longer be indulged with safety, or justice, to the Union. Accordingly, the President directed the militia, destined for the suppression of the insurrection, to repair to the respective places of rendezvous. It will be remembered, Gentlemen, that often before this summons, I represented to the Legislature, the imperfect state of our militia law; and the embarrassments that were likely to occur, in drafting and organizing any part of the militia for actual service. The experiment proved the justice of my apprehensions. For, however promptly the orders were issued, however explicit in their terms, to obtain a full and immediate compliance with the President's requisition, doubts of success were suggested in almost every return, which I received from the Brigade Inspectors; and, at length, it became manifest, that neither the regard which I felt for the honor of the state, nor a personal solicitude to discharge my federal obligations, could be gratified, by an implicit reliance upon the ordinary process of the law. Under this impression, I determined, in the first place, to invite a voluntary enrollment of the citizens, (a measure which appeared, in my judgment, to be strictly conformable to the spirit of the provision, that authorizes the drafted militia to employ substitutes) and, in the

next place, I determined to visit every county included in the requisition, for the purpose of removing difficulties, in the organization of the several quotas; of dispelling any dangerous prejudices that might exist, by a faithful communication of the facts and principles connected with the expedition; and of stimulating the people to an exemplary exertion in support of that constitution, which every enlightened and honest man must contemplate, as the palladium of American liberty, and the sanctuary of human happiness.

To the expedient of raising the quota of Pennsylvania, by voluntary enrollments, the Legislature has already given a liberal and efficient sanction: but I feel myself unequal to the task of recommending, with adequate energy, to your grateful attention, the alacrity, spirit, and perseverance of our fellow citizens, in vindicating the violated authority of the laws. As soon as the situation of our country was truly described and understood; the daring and cruel career of the malecontents; the subversion of the judicial authority; the failure of every conciliatory effort; and the resulting necessity of an appeal to arms; produced, in perfect unison with my anticipations, one common sentiment of resentment, one common determination to defend the peace and order of society, against the machinations of licentiousness and anarchy. In this patriotic work, the veterans who had achieved our independence, and established our government, were associated with the virtuous youth of the rising generation, who justly thought that the best acknowledgment for the invaluable inheritance prepared for them, must be to cherish and protect it. The rich and the poor were alike emulous to distinguish themselves; so that to the scene exhibited by their conduct, in which all the advantages of fortune were surrendered and forgotten, we are indebted for a practical illustration of the equal rights and equal obligations of the

citizens of the American republic. The pride of opinion, and even the acrimony of party, yielded, likewise, to the generous enthusiasm. Controversies relating to the impolicy of particular measures were no longer sustained; but every class and description of citizens, impressed with this fundamental truth, that where there is no law, there can be no liberty, with equal ardor and fidelity, combined in the maintenance of the general cause. The same principles and the same practice were displayed by the citizens of our sister states—New Jersey, Maryland and Virginia. Advancing, indeed, under the President's requisition, to aid us, in restoring the tranquility of Pennsylvania, they have added another important feature to the transaction, by evincing the reality and the energy of our political union, and by furnishing the most endearing proofs of a fraternal attachment, which disclaims all territorial boundary and distinction.

With an army thus constituted, of citizens, who cheerfully relinquished all the avocations, indulgences, and emoluments of private life, to assert the sovereignty of the laws, in a remote and rugged country, at an inclement season of the year, there could be no room for doubt or apprehension respecting the event. Yet, that the triumph of order, might also be the triumph of humanity, the number of the troops, with as much wisdom as benevolence, was made so great (amounting to fifteen thousand men) as to overawe, in the most desperate and rash, any disposition for hostility and resistance. The approach of this formidable force, accordingly, produced the meditated effects. The spirit and celerity with which it was collected, soon convinced the insurgents, that they had nothing to hope either from the inactivity, or from the countenance of any part of the community. The friends of government, resuming their confidence in its power and disposition to protect them, became vigilant

in counteracting the instruments of sedition, and in disseminating a knowledge of the duties and interests of a free people. The desire of acquiring information was awakened among honest, though deluded men, by the universal abhorrence, which stigmatized the insurrection; while impending danger sunk into submission, those whom virtue had ceased to controul, and truth was unable to convince. Thus, without the effusion of blood, without an injury to private property, and without a violation of any personal right, has the object of government been attained: the courts of justice being re-instated in their legitimate authority, the laws of the Union enjoying a free operation; the good citizen reaping the reward of his services; and the delinquent incurring the punishment of his crimes. But amidst the many remarkable facts, which the history of this event must embrace, none can be more honorable, none will be deemed more pregnant with beneficial consequences, than those which afford an example of the strict subordination of the military to the civil power; and by proving the competency of our militia to enforce obedience to the laws, destroy every pretext for the introduction of a standing army.

But, considering the various probable effects of the calamity which we deplore, the sources of consolation abundantly present themselves. It has been the aim of other governments to derive from similar convulsions, an accession of authority and strength; but the American republic, constituted and administered by the people, and invincible while employed in asserting their rights, disdain to seek, either honor or power from an adventitious influence. The people made, and the people only can maintain it. This truth, applied particularly to our civil compact, contains, indeed, the vital principle of all republicanism: that principle, which establishes an indissoluble union and correspondence of interests, feelings, and actions, between

the government and its citizens; and which has uniformly raised, and, I am confident, will forever raise, the arm of an American freeman, to crush the sedition of domestic traitors, as well as to repel the invasion of a foreign foe. Thus, placing the power and stability of our government on a legitimate basis, the determination to support our constitution and laws, so forcibly expressed during the late crisis, cannot fail to elevate the federal character abroad, and to improve the general happiness at home. From one view of this part of the subject, however, I receive peculiar pleasure: we have witnessed the alacrity, with which the call of the President was obeyed, by men of every political sentiment; and we have heard the unanimous voice, with which the lawless conduct of the insurgents has been reprobated, in every quarter of the Union. The same motives, and the same end, have been avowed and demonstrated by all. Shall we not, then, be permitted to hope, that mutual confidence in matters of integrity, and mutual deference in matters of opinion, will hereafter extinguish those feuds, and soften those asperities, which, in a degree greatly to be lamented, have often disturbed the harmony of social life, and have sometimes deranged the system of political operations? Let us, at least, Gentlemen, lend all our aid to the accomplishment of so salutary an object. Let our advice and example diffuse among our fellow citizens the principles of conciliation and affection towards each other, and towards the governments, which are intrusted with the superintendence and direction of their common interests.

While we review the circumstances that have attended the insurrection, in order to select the means of consolation, the wisdom of the Legislature will naturally combine with that pursuit, an investigation of the most effectual measures, to prevent the recur-

rence of a similar calamity. Allow me, therefore, Gentlemen, to press upon your consideration, the constitutional injunction, "to provide, by law, as soon as conveniently may be, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis." I have on other occasions, indeed, observed, that to multiply, regulate and strengthen the sources of education, is the duty, and must be the delight, of every wise and virtuous government; for the experience of America has evinced, that knowledge, while it makes us sensible of our rights as men, enforces our obligations as members of society. But on no occasion could the observation be more emphatically urged than the present; since I may, confidently, appeal to the conviction of every mind, which has been employed in examining the origin and progress of the late disturbances, for an assurance, that ignorance (whose natural concomitants are credulity and temerity) has been the principal cause of the deprecated mischief. Reflecting, then, that a provision for the establishment of public schools was contained in the old constitution of the state; and that its insertion in the new constitution shews the continued opinion of its policy; I trust I shall be excused, after a lapse of near twenty years, in soliciting your immediate attention for this interesting branch of the legislative trust. While your predecessors enjoy the reputation arising from an early and faithful payment of the state debts; from a judicious disposition of the public treasure and resources; and from an unexampled, but successful, amelioration of our penal code; may the theme of your praise flow from institutions that shall illuminate the minds of our fellow citizens, and establish science on a pure and permanent foundation.

In the course of the communications, which I have heretofore addressed to the Legislature, a variety of

topics have been suggested, that may be thought still to merit a share of your deliberations. In general I shall content myself with a bare reference to those communications; though I cannot omit the repetition of my anxiety for the organization of our militia upon a plan, in its terms more perspicuous, and in its operation more efficient, than the present. The improvement, likewise of our roads and rivers, becomes daily more interesting; owing to the emigrations, which furnish us with an almost daily increase of population. The situation of affairs during the late expedition, has considerably embarrassed the execution of my design to obtain a critical and general survey of the improvements undertaken by the existing contracts; but as far as my information, or observation, will extend, there is ample encouragement to persevere in the beneficial policy, which actuated your predecessors on this subject.

As the enlistments of the corps stationed at the fort on Mud-Island, have expired, it will require legislative consideration, whether the same circumstances which originally led to that establishment, for preserving the peace and neutrality of the port, do not now require its continuance. The proper instructions have been issued, for maintaining the garrison at fort Le Bœuf; but, it is probable, that the temporary provision which Congress has made, for keeping a military force in the western counties, will supersede the necessity of your interposing, at this time, for the protection of our frontiers. Indeed, the recent victory obtained by the gallant army, under the command of General Wayne, promises a speedy relief from every apprehension of savage depredations: as it seems already to have changed the arrogant and hostile tone of the northern Indians, it can hardly fail to produce a disposition for peace among the western Tribes, who have so severely felt the power and prowess of their enemy.

Gentlemen of the House of Representatives:

You will perceive, from the documents, which I have directed to be laid before you, that the accumulation of our revenue during the recess, has been considerable and uniform, notwithstanding the deductions for the western expedition, and the temporary derangement which that event unavoidably occasioned in all pecuniary transactions with the government. Since the sixteenth day of August last there has been received a sum of two hundred and twenty-eight thousand six hundred and ten dollars and fifty-one cents, which being added to four hundred and eleven thousand two hundred and seventy-seven dollars and forty-four cents, at that time in the treasury, will form an aggregate of six hundred and thirty-nine thousand eight hundred and eighty-seven dollars and ninety-five cents. The disbursements from the same date, including other charges, the expense of the late session of the Legislature, and the appropriation for the militia service, have amounted to one hundred and eighty-two thousand eight hundred and twenty-three dollars and seventy-nine cents. From this statement, therefore, it appears, that there is, at this time, an unappropriated balance of four hundred and fifty-seven thousand and sixty-four dollars and sixteen cents in the treasury, subject only to the claims, for discharging the current expenses of government, and an unsatisfied sum of about thirty-five thousand dollars, in warrants and certificates for unfunded debt. In this balance, however, no notice is taken of the dividend on the public stock in the bank of Pennsylvania, which will always be nearly sufficient to defray the expenses of government; while the product of the Land-office, the gradual collection of the arrearages of taxes, and the revenue arising from fees payable in the several public offices, must furnish an annual augmentation of our pecuniary capital.

So flourishing a state of our finances, will, I have no doubt, excite a liberal enquiry into the best means of employing the unappropriated surplus of the public income. The improvement of our roads and rivers can never escape your attention; and the erection of suitable buildings for the safe-keeping of our public records, will occur to you with growing importance. But, I confess, that at this period, I contemplate the establishment and endowment of seminaries for useful learning, as the most laudable and patriotic object, upon which the treasure of the state can be expended.

Gentlemen of the Senate and Gentlemen of the House
of Representatives:

The event which has so dangerously disturbed the public peace, and so generally agitated the public mind, will, I hope, lead every citizen seriously to estimate the blessings which we now enjoy, compared, as well with the miseries that afflict every other part of the globe, as with our own political depression at a former period. The effect of this review cannot fail to awaken the most lively emotions of gratitude; and to present the most forcible inducements to circumspection and vigilance in the exercise of our civil rights, and the performance of our social duties. If, in any degree, it serves to strengthen the boundary between liberty and licentiousness,—to prevent the abuse, without impairing the use, of any valuable right,—our fellow citizens will inevitably find, that they have established an additional security for their own happiness and for the happiness of their posterity.

THOMAS MIFFLIN.

Philadelphia, December 6th, 1794.

Proclamation Warning Certain Intruders upon Lands
in the County of Luzerne.

Pennsylvania, ss:

BY THOMAS MIFFLIN, GOVERNOR OF THE
Commonwealth of Pennsylvania.

A PROCLAMATION.



Whereas, it has been represented to me, upon oath, that certain ill-disposed persons have, without due authority, unlawfully intruded upon and surveyed, and are attempting to seize and settle, certain lands situate within the county of Luzerne, in violation of the rights and the jurisdiction of Pennsylvania, as settled and declared by the decree of the commissioners, or Judges, of the United States, at Trenton, on the 30th day of Dec., 1782; and also in contempt of the laws and judicial proceedings of this Commonwealth: And whereas, it appears to me expedient, as well for preserving the public peace, as for affording a just protection to the property of the real owners of the said lands, that the said ill-disposed persons, their aiders and abettors, should be warned of the danger to which they inevitably expose themselves, and the tranquility of the State, by persevering in such unlawful conduct; and that, collectively and severally, they should be enjoined forthwith to desist therefrom: Therefore, I have issued this Proclamation, hereby enjoining all persons whomsoever, as they regard their own safety and the public welfare, to forbear from intruding upon, surveying, occupying, and settling any of the lands in the county of Luzerne, aforesaid, or any other lands within this Commonwealth, unless the same be done peaceably, and in a due course of law; And all Judges, Justices, Sheriffs, and other pub-

lic officers, according to the duties of their respective stations, are hereby directed vigilantly to enquire after and by all lawful means to prevent, any proceedings of the illegal nature and dangerous tendency herein before set forth.

Given under my hand and the Great Seal of the State, at Philadelphia, the twenty-sixth day of January, in the year of our Lord, one thousand seven hundred and ninety-five, and of the Commonwealth the Nineteenth.

By the Governor:

[Signed] THOS. MIFFLIN.

A. J. Dallas,

Secretary of the Commonwealth.

To the Assembly concerning the State of the Fort at Le Boeuf and plans for laying out a town at that station.

Gentlemen:

I HAVE RECEIVED, FROM MR. ELLICOTT, A Report respecting the state of the fort at Le Boeuf, and a plan for laying out a town within the tract of land reserved, at that station, for the public use. Both these subjects are highly interesting, and, I hope, the execution of the latter object will receive a legislative sanction. The other matters contained in the report, seem, likewise, entitled to your attention, and furnish many useful hints, if ever you shall deem it expedient to carry into effect that system of frontier defence, which I suggested, in my address to the General Assembly, on the second of September last.

The plans of the fort and of the proposed town will be delivered to the House of Representatives.

THOMAS MIFFLIN,

Philadelphia, January 26th, 1795,

To the Assembly concerning the treaty of 1794 with the Six Nations and the continuance of the garrison at Presqu' Isle.

Gentlemen:

I HAVE RECEIVED FROM THE SECRETARY OF War, and I have directed to be laid before you, a copy of the treaty concluded with the Six Nations of Indians at Kon-ondaigne on the eleventh of November last; and a notification, that in consequence of this treaty, the temporary obstacles to the establishment contemplated to be made by Pennsylvania at Presqu' Isle, are removed.

As my authority to continue the suspension of the Presqu' Isle establishment, will expire at the end of the present session of the Legislature, permit me to request, that, in the intermediate time, you will be pleased to consider, whether some further provision is not necessary to enable me to accomplish that object, as well in point of funds, as of affording a military protection to the Commissioners: you will readily perceive, that the expenses incurred before the suspension, were rendered useless by that circumstance; and it is questionable, whether the small number, and the limited existence, of the garrison at fort Le Boeuf, will allow a competent detachment to attend at Presqu' Isle, while the town and out lots are surveyed.

THOMAS MIFFLIN.

Philadelphia, January 28th, 1795.

To the Assembly notifying of the Governor's proclamation against the illegal settlers on lands in the western part of the State.

Gentlemen:

I IN A MESSAGE TO THE LEGISLATURE DATED the eighteenth of February, 1793, I communicated the dangers to which the public peace was exposed, on account of certain encroachments and settlements,

made upon lands within this commonwealth, by persons not possessing any lawful authority or title. Since that period, the grievance has become more notorious, particularly in the county of Luzerne, so that I have thought it proper to issue a proclamation, admonishing the intruders of the illegality and dangerous tendency of their conduct. Copies of the proclamation, and of the documents on which it was principally founded, will be laid before you, and you will permit me again to recommend the subject to your attention, in hopes that the wisdom of the Legislature may devise efficient means to prevent the mischiefs that are apprehended on this occasion.

THOMAS MIFFLIN.

Philadelphia, February 21st, 1795.

To the Assembly transmitting certain accounts and estimates and recommending a further appropriation for the objects therein mentioned.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO LAY before you, the accounts and estimates of the expenses incurred under the several acts of the General Assembly, providing for the peace and safety of the port of Philadelphia, the defence of the western frontiers, and the continuance of the garrison at fort Le Boeuf; together with a statement of the charge for extraordinary militia services, in the counties of Westmoreland, Allegheny and Huntingdon, during the last year. As a further appropriation will be necessary for these objects, permit me to recommend them to your immediate attention.

THOMAS MIFFLIN.

Philadelphia, February 23d, 1795.

Proclamation Announcing the Result of the Elections
for Representatives in Congress.

Pennsylvania, ss:

IN THE NAME, AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania.

By THOMAS MIFFLIN, Governor of the said
Commonwealth.

A PROCLAMATION.



Whereas it is provided in and by an act of the General Assembly, entitled "An act to provide for the election of Representatives of this State in the Congress of the United States," that the Governor, having received the returns of the Election from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several counties of this Commonwealth, shall declare (by proclamation, the name of the person or persons to him returned as duly elected in each respective district: And whereas it appears, from the returns of the General Election held on the fourteenth day of October last, in and for the several districts hereinafter specified, that the following named persons were duly elected therein respectively, to serve in the House of Representatives of the United States, for the term of two years from and after the fourth day of March next, that is to say:

1. In the district of the City of Philadelphia—John Swanwick.

2. In the district of the County of Philadelphia—Frederick Augustus Muhlenberg.

3. In the district of the Counties of Chester and Delaware—Richard Thomas.

4. In the district of the Counties of Berks and Luzerne—Daniel Heister.

5. In the district of the Counties of Dauphin and Northumberland—Samuel Maclay.

6. In the district of the county of Lancaster—John Wilkes Kittera.

7. In the district of the County of York—Thomas Hartley.

8. In the district of the Counties of Cumberland and Mifflin—Andrew Gregg.

9. In the district of the Counties of Westmoreland and Fayette—William Findley.

10. In the district of the Counties of Washington and Allegheny—Albert Gallatin.

And whereas the Return of the General Election in and for the district of the Counties of Bucks, Northampton and Montgomery, is made in the following words, to wit:

“We Robert Shewell, John Terry and Silas Hough, three of the Judges of the Election of the County of Bucks, John Ross, one of the Judges of Election of the county of Northampton and Frederick Conrad, one of the Judges of the county of Montgomery being assembled on Saturday the fifteenth day of November in the year of Our Lord One thousand seven hundred and ninety-four at the house of Jacob Fries in the township of Richland in the county of Bucks aforesaid and having carefully compared the returns from the counties aforesaid do certify That at a General Election held in the counties aforesaid and in the companies of Militia from the same counties in actual service of the United States on Tuesday the fourteenth day of October in the year aforesaid Samuel Sitgreaves and James Morris were elected by a majority of votes, Representatives, in the House of Representatives of Congress of the United States for the district composed of the counties of Bucks, Northampton and Montgomery aforesaid, the said Samuel Sitgreaves having in all the returns aforesaid two thousand nine hundred and fifty-four votes and the said James Morris having in the whole of the said returns one thousand six hun-

dred and forty-eight votes. And we do also certify That according to a return produced before us this day signed by two of the Judges of the county of Montgomery from the Regiment of Militia now in actual service of the United States from the said county commanded by Lieutenant Colonel John Wentz (which said return from the Regiment aforesaid came to the office of the Prothonotary of the said county Since the tenth day of November in the year aforesaid, on which said tenth day of November the Judges of the several districts of the said county made out the General return for the said county) John Richards had one hundred and fifty-six votes and the said James Morris had fifty-eight votes, by which the said John Richards is higher in votes than the said James Morris, the said John Richards having in the whole of the returns aforesaid including the returns from the Regiment aforesaid one thousand seven hundred and ninety-one votes and the said James Morris having (including the votes from the Regiment aforesaid) one thousand seven hundred and six votes: And we do also certify That there has been no returns from the Militia of Bucks County yet come to hand In witness whereof we have hereunto set our hands and seals this fifteenth day of November in the year aforesaid.

(Signed.)

Robert Shewell—(L. S.)

John Terry—(L. S.)

Silas Hough—(L. S.)

John Ross—(L. S.)

Fred'k Conrad—(L. S.)

And whereas, in addition to the said General Return in and for the district last aforesaid, and subsequent to the time of the making thereof, certain Returns, purporting to be the Returns of the General Election held for Representatives in Congress by the several Companies or Corps of the Militia of Bucks County,

who were absent from their respective places of residence, and in actual service on the fourteenth of October last, were to me presented, whereby it appears That Samuel Sitgreaves and James Morris had each ninety-one votes.

And whereas, the Sheriff of the county of Bedford has certified That the Judges of the General Election in and for the districts of the counties of Bedford, Franklin and Huntingdon did not meet according to law to make out a General Return of the Election for Representatives in Congress held in the said last mentioned district, by reason whereof no such General Return has been transmitted to me;

Now, therefore, I have issued this proclamation, hereby publishing and declaring That the said John Swanwick, Frederick Augustus Muhlenberg, Richard Thomas, Daniel Heister, Samuel Maclay, John Wilkes Kittera, Thomas Hartley, Andrew Gregg, William Findley, Albert Gallatin, and Samuel Sitgreaves, are duly elected and chosen as Representatives of the people of this Commonwealth to serve in the House of Representatives of the Congress of the United States for two years, to commence from the said fourth day of March next; that the said James Morris and John Richards have been returned in the manner hereinbefore set forth: but it remains for the House of Representatives of Congress (being exclusively the Judge of the elections, returns and qualifications of its members) to decide whether the said James Morris, or the said John Richards, is duly elected and chosen, together with the said Samuel Sitgreaves, in and for the district of the counties of Bucks, Northampton and Montgomery: and that the name of the person elected and chosen, in and for the district of the counties of Bedford, Franklin and Huntingdon, does not appear from any official return by me received.

Given under my Hand and the Great Seal of the State

at Philadelphia, the twenty-eighth day of February in the year of Our Lord One thousand seven hundred and ninety-five, and of the Commonwealth the nineteenth.

By the Governor,

A. J. Dallas,

Secretary of the Commonwealth.

To the Assembly respecting the State of the business of the land office and the inadequate appropriation for clerk-hire.

Gentlemen:

THE REPRESENTATIONS THAT I HAVE RECEIVED from the officers of the Land-office, respecting a state of their business, and the inadequate allowance which the law makes for clerk-hire, have been, from time to time, submitted to your consideration. The letter which the Receiver General has recently addressed to me on the subject, seems, however, to claim particular attention, and, with that view, I have directed the Secretary to lay it before you.

THOMAS MIFFLIN.

Philadelphia, March 14th, 1795.

Proclamation of Pardon to the Participants in the
"Whiskey Insurrection."

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY, OF
the Commonwealth of Pennsylvania.

By THOMAS MIFFLIN, Governor of the said
Commonwealth.

A PROCLAMATION.



Whereas at the commencement of the late Insurrection in the western part of this State, constituting the Fourth Survey thereof, I deemed it expedient to attempt a vindication of the violated authority of the laws, and a restoration of peace, harmony and order, by the influence of reason and lenity upon the minds of the deluded and refractory Insurgents: And Whereas the better to promote so desirable an object, I appointed, authorised and employed The Honorable Thomas McKean, Chief Justice of this Commonwealth and Major General William Irvine (with full confidence in their wisdom, prudence and patriotism) as commissioners to confer with the said Insurgents, and on behalf of the Government of Pennsylvania to promise to them and every of them an act of pardon and oblivion for all past transgressions, upon receiving a satisfactory assurance of future submission to the laws.

And whereas the said Commissioners, in pursuance of the trust thus reposed in them, did by an Instrument under their hands, bearing date the 21st day of August in the year, 1794, promise, upon certain terms and conditions of this State, and of the United States.

Instrument specified, that if Western Counties should keep behaviour, until the first day an act of free and general pardon and oblivion of all treasons, insur-

rections, arsons, riots and other offences inferior to riots, committed, perpetrated, counselled or suffered by any person or persons, complying with the terms and conditions aforesaid, within the counties by the said Commissioners specified, since the 14th day of July in the year 1794, should be granted, so far as the said offences concerned the State of Pennsylvania, or the Government thereof: And Whereas it appears by a Proclamation, heretofore, issued by the President of the United States, that he has thought proper to extend the Pardon of the Government of the United States to all persons, who have been guilty of the Treasons or Misprisions of Treason in his said Proclamation specified, or who have been otherwise concerned in the said Insurrection within the said Survey, but who have not since been indicted or convicted thereof. And I am desirous on my part to pursue a like policy, as well on account of its humanity, as for the sake of preserving uniformity in the proceedings of the General and State Governments, in relation to the same important object: Therefore, I, Thomas Mifflin, Governor of the Commonwealth of Pennsylvania have granted and by these presents do grant a full, free and entire pardon to all persons (not included in the exception hereinafter declared) of all treasons, insurrections, arsons, riots and other offences inferior to riots, committed within the said Fourth Survey, between the said 14th day of July and the 22nd day of August, in the year 1794, and which may have been and are indictable offences against the said State of Pennsylvania; together with a free and entire remission and release of all fines, forfeitures and penalties consequent thereon; Excepting and excluding always nevertheless from all the benefit and advantage, or any claim to the benefit and advantage, of the Pardon hereby granted, every person who has either refused to give the assurance of submission stipulated and required as aforesaid, or who having

given the same shall afterwards have deviated therefrom, and now actually stand indicted or convicted of any offence against the State of Pennsylvania.

Given under my Hand and the Great Seal of the State, at Philadelphia, the 26th day of August in the year of our Lord one thousand seven hundred and ninety-five, and of the Commonwealth the Twentieth.

By the Governor,

A. J. Dallas,

Secretary of the Commonwealth.

Opening address to the Assembly—1795.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THE CONSTITUTION HAS DECLARED, THAT the Executive Magistrate shall, from time to time, give to the General Assembly, information of the state of the commonwealth. In the performance of that duty, at the present period, I perceive, with satisfaction, that a variety of subjects occur to gratify your feelings, but none to excite a sentiment of regret.

The policy hitherto pursued, under the existing form of our government, has been uniformly justified and rewarded, by the effects which it has produced. Thus, in consummating the reformation of the penal code, one crime alone, deliberate murder, has been left, by your predecessors, to experience a sanguinary punishment: And yet, compared with our own situation but a few years ago, how obviously has the number of crimes decreased? Or, compared with the situation of other countries, how superior is the degree of security, which our persons and property enjoy? The operation of our system for extinguishing the public debt, and regulat-

ing the public finances, has honorably discharged the claim of every creditor; and instituted, without the aid of a single tax, efficient revenues for all the legitimate objects of government. The application that has been made of public money, and the encouragement that has been given to private enterprize, for improving the navigation of rivers, and the communication of roads, have already so facilitated the intercourse between the different parts of the state, so enhanced the value of its soil, and so enlarged the sphere of its commerce, agriculture and arts, as to evince that the benefits, which must inevitably flow from our perseverance in this laudable course, can never be too highly estimated, nor too anxiously explored. It would seem, in short, that nothing more is wanting to perfect our scheme of municipal policy, than to mitigate the rigor of the laws respecting imprisonment for debt; and to effectuate the constitutional injunction, for establishing seminaries of education.

From the last mentioned source of public and of private prosperity, indeed, our constituents will derive those advantages, which (as I have on former occasions observed) are essential to the enjoyment and preservation of all the other blessings of their condition. To insure the respect and support of a free people for their government, its nature, operation, and uses must be known:—to enable a free people to guard against encroachment, or oppression, the boundary of delegated power, and the quality of civil liberty, must be understood. In monarchies, no instrument is more effectual for maintaining an arbitrary dominion, than the ignorance of the subjects whom it afflicts; nor even in republics, has any pretext been more common, for the acquisition of undue authority, than the incapacity of the citizens to judge for themselves, of public measures. Since, therefore, obedience to the laws, the love of order, the cultivation of peace, morality, and patriot-

ism, are characteristics of enlightened minds, you will be eager, I am confident, to display, in the execution of your legislative trust, that auspicious coincidence of duty, disposition, and power, which will insure to our posterity at least, a more general diffusion of useful knowledge.

Contemplating, Gentlemen, our federal association, and our encreasing relations with foreign countries, as well by compact as by commerce, it cannot be a matter of indifference, that the liberal policy, to which I have adverted, has commanded universal applause, and already appears, in some of our sister states, to be an object of imitation. The American Union can never, indeed, maintain its just rank among other nations, but on the basis of uniformity and concord, in the political opinions, the moral habits, and the legislative systems, of the various Members that compose it. Nor, for the purpose of preserving inviolate the constitutional boundaries between the federal and state jurisdictions (so as to contribute all the energy of the individual, in support of the general government, while each shall be protected from the incroachments of the others) can any theory be effectual, unless it shall be enforced by a free circulation of intelligence, a candid exchange of sentiments, similarity of principle, and reciprocity of confidence. On the cardinal events, that have hitherto marked our national career, the war for Independence, and the adoption of the Federal Constitution, every state was inspired by the same spirit, and has acted with the same zeal: In what remains to be done, for consolidating and harmonizing their interests, usages and pursuits, may we not confidently expect an equal degree of conciliation, co-operation and advantage? The diversity that subsists in their codes of criminal law, furnishes, at least, an opportunity, interesting to the national justice, as well as to our personal humanity, for making the experiment. For, it is certainly

painful to reflect, that among a people, forming one nation, it often depends on the place, in which a crime is perpetrated, and sometimes merely on the court, in which a prosecution originates, whether an ignominious forfeiture of life, an inferior kind of corporal sufferance, or a temporary imprisonment at hard labour, shall be the punishment inflicted.

The success of the example that Pennsylvania has given on this subject, will, doubtless, recommend any measures, which the wisdom of her government may adopt, to extend its influence. The liberal overtures that she has already made to some of her neighbours, for mutually improving their means of intercourse, by land and by water, may afford, likewise, a just foundation, for attracting the attention of all her sister states, to so inexhaustible a source of national energy and opulence. While, therefore, the federal government is occupied in its arduous task of general superintendence and controul, it could not, in my judgment, obtain a more efficient auxiliary, than the establishment of such a concert, for moulding into order and uniformity the municipal policy of the several states, and for rendering the territorial advantages of each, subservient to the interests of all. The abstract importance of the object is sufficient, however, to claim your notice; and cannot fail, under the auspices of an enlightened Legislature, to make the most salutary impressions on the public mind.

For prosecuting every species of improvement in the domestic policy of America, the present æra seems, indeed, to be propitious, beyond all precedent. To the good fortune of being preserved from a participation in the ruinous conflict, that has desolated Europe, we have now to add the felicity of being rescued from the Indian war, that has so long disturbed the tranquility of our frontiers. As a natural consequence of our neutral character, we have been enabled (notwithstanding the

violent and iniquitous interruptions, which our trade has undergone,) to render the treasures of the whole world tributary to the prosperity of the Union: As a natural consequence of our state of peace and freedom, we have been enabled to enrich the population, arts and manufactures of our country, with the industry and skill of thousands, who, flying from scenes of tumult and persecution, have found an honourable asylum here. Permit me, then, Gentlemen, to remark, that the best evidence to be given of our deserving the bounties of a beneficent Providence, will arise from the means pursued, in order to preserve and perpetuate them: but that, above all things it is incumbent upon us, at this crisis, to cultivate harmony among ourselves. On political speculations; on the measures of government; a difference of opinion will unavoidable occur: but that difference of opinion ought not to excite animosity; nor can it justify intolerance. For, as it is alike the duty and interest of every citizen, to support the constitution, and to promote the welfare of his country, in candour, it must be presumed, that the motive and the object of every citizen will be the same, whatever variance may appear in the means that are projected, for accomplishing them. Let us, therefore, Gentlemen, in our public and private characters, use every occasion to conciliate the minds of our constituents towards each other, and towards the governments that they have established: Let us warn them equally against all usurpations, that would repress the freedom of sentiment; and all irritations that would kindle the torch of discord. Be assured, that of every incident in our political transactions; of every vicissitude in our political sentiments; the enemies of republicanism will always be eager to take a sinister advantage: Nor can it be disguised, that, at this moment, their invidious hopes are unusually elate. But while the citizens of America, shall continue to demonstrate a firm convic-

tion, that their safety, happiness, and glory depend on the maintenance of their constitution and laws, we can have nothing to apprehend from the abuse of power, nor from the licentiousness of anarchy.

Proceeding to lay before you, Gentlemen, the business that has been transacted, during the recess of the Legislature, I find great pleasure in stating, that the law, which authorized the appointment of Commissioners to survey and establish, upon the north-western frontier of the state, the several towns of Erie, Franklin, Warren, and Waterford, has been completely and advantageously executed. The tracts of land, designed for the use of the United States, at Presqu' Isle, have also been selected and appropriated, to the mutual satisfaction of the federal and state officers employed on the occasion: But the ruinous condition and inconvenient situation of Fort Franklin having induced the expression of a wish, on the part of the former, that a more eligible scite might be ceded for erecting new fortification at the mouth of French Creek, I did not hesitate to assent, provisionally, to the proposition for changing the ground, in perfect confidence that you would approve and confirm it.

Before the Commissioners departed from Pittsburgh, the symptoms of savage hostility were so alarming, that it became expedient, as well for their protection, as for the general security of the frontiers, to augment the number of state troops, by the additional company which, in a case of emergency, I was empowered to raise. Orders were accordingly issued for that purpose; but you will perceive, on a perusal of the documents relating to the subject, that every step was taken in concert with the general government; and that no precaution was omitted to prevent an accumulation of useless expense, or a continuance of the enlistments, beyond the period of actual necessity.

The termination of the Indian war, the rapid pro-

gress of our interior settlements, and the establishment of garrisons under the authority of the Union, will, probably, relieve the Legislature of Pennsylvania, from any future anxiety, or expense, in protecting the frontiers of the state, against sudden invasions, and savage hostility. There are still, however, many objects in that quarter, which will merit an early and constant consideration. The obstacles which Nature has interposed to a free communication, between the extremes of our territorial jurisdiction, you will, doubtless, persevere in removing, as far as it is practicable, by the assistance of industry and art. Permit me to repeat, indeed, that no other means can effectually assimilate the interests and sentiments of a community, so separated and dispersed. Among the various causes to which the late disturbances in the western counties may be ascribed, the want of that free communication, to which I allude, and the consequent ignorance of the inhabitants, respecting the opinions that prevailed in different parts of the commonwealth, ought not to be suppressed or disregarded. In expressing, likewise, the gratification, which we must now derive from viewing the perfect restoration of order, and an exemplary submission to the authority of the laws, in the same counties, the remark, that I have made, will acquire additional illustration and force. For, besides the atonement, proceeding from a just sense of error, and the gratitude due to a generous forgiveness of offences, we cannot hesitate to pronounce, that the opportunity of observing the patriotic spirit that was excited, of hearing the virtuous sentiments that were avowed, in vindication of the constitutional measures of government, must have been greatly instrumental in producing so honorable a change. But, independent of this general consideration of its moral and political effects, you cannot fail to observe, that the object, which is thus recommended to your attention, becomes daily more in-

teresting; on account of the channels, that are constantly multiplying, for the transportation of our products, to distant markets, through the medium of other states.

The necessity of taking seasonable precautions to protect the rights of property, and to prevent violations of the public peace, is another object of considerable importance, in relation to the uncultivated lands in the western and northern districts of the state. From the information, which I have received, it appears, that the intrusion of real or pretended settlers, without titles, has already occasioned great discontent; and threatens to become a permanent source of feud and litigation. I have been induced to believe, indeed, that the law, in requiring an actual and continued settlement upon lands, for some years, before a patent shall issue, in favour of the purchaser, contributes to increase the evil that is complained of, without producing the benefit, for which the stipulation was originally introduced. You will, however, Gentlemen, investigate the subject in all its operations: and the experience, that has resulted from a similar state of things, at a former period, will enable you, not only to calculate the more general inconveniences that are likely to ensue on the present occasion, but to devise the most effectual means for preventing their occurrence.

In connection with the preceding object, I think it is incumbent upon me to inform you, that a judicial opinion has lately been pronounced in the Circuit Court, by which the act of the General Assembly of Pennsylvania, for confirming the title of the Connecticut claimants to certain lands in Luzerne county, has been deemed unconstitutional and void. You will excuse me, Gentlemen, in adding, that this decision seems to afford a favorable opportunity for terminating the unhappy and protracted controversy, in respect to those lands. Whatever may have been the merits of the

case, on the original questions of jurisdictions, and title, the interposition of the Legislature, must, at least, be considered, as declaratory of their sense, that the public welfare required, in this instance, a departure from the rigid dispensations of the law. Thus, although (in conformity to the opinion of the Court,) the act of the General Assembly could not destroy, or impair, the rights of the Pennsylvania claimants: and though the act, which made that attempt, was, in fact, repealed; yet, we find the Legislature so pledged to accomplish an amicable and satisfactory arrangement, that what was, at first, a matter of mere policy, may now be regarded, as in some degree, obligatory on the faith and honor of the state. If, therefore, the subject should appear in the same light to you, I am persuaded, it will be practicable to make a reasonable compromise, with either of the contending parties; nor can our constituents, in general, withhold their approbation of any measure, calculated finally to extinguish a feud, that has for so many years disturbed and discredited their government.

In order to obtain the full benefit of establishing towns and garrisons on our frontiers, you will readily admit the expediency of adding to the other improvements, that have been suggested, an immediate sale of the reserved tracts of land, contiguous to the several establishments. Unless this shall speedily be done, either encroachments will be made on the property of the state, or the agricultural settlements will be so distant from the towns and garrisons, as to destroy that mutual support, which is essential to the interest and prosperity of the respective objects. The same consideration, however, will dictate the propriety of dividing the reserved tracts, into plantations of a convenient extent, and of making the sale (on moderate terms) to actual settlers only.

The Secretary is directed to lay before you, Gentle-

men, the result of a general review of the progress, which has been made, in executing the various contracts, relating to the improvement of our roads and inland navigation. From this document you will perceive, that, although the appropriations have, in many instances, been inadequate to their object; yet, that upon the whole, the public money has been faithfully and beneficially expended, by the respective contractors. To render the benefits permanent, however, it will, perhaps, be found economical to make a farther advance; and even to supply some of the townships, through which our principal communications lie, with better funds, for improving and repairing the roads, than their own scanty resources can be expected to furnish. But the public utility of the Turnpike-road (which, according to the report of the Managers, has been completed) between the city of Philadelphia and the borough of Lancaster, will soon, I am confident, be so apparent, as to remove every prejudice against similar undertakings; particularly in the neighbourhood of our capital. If, indeed, during the deliberations of the present session, the subject should be investigated, you will, undoubtedly consider, whether it will be advisable, in future, to vest the superintendence and emoluments of any highway, permanently and absolutely in a private company; since, the public accommodation, in matters of this kind, ought certainly to be promoted, on the lowest scale of public expense.

The Commissioners, who were appointed to fix the proper places for the county towns of Somerset and Lycoming, have performed that service. For the former, they have chosen Bruner's-town, changing its name to that of the county, and for the latter, they have designated, in general terms, that part of Ross's farm (situated between Loyalsock and Lycoming creeks) which lies between the great road and the river Susquehanna; leaving the precise spot, on which the pub-

lic buildings shall be erected, to the discretion of the county commissioners.

The agents, employed in distributing the public gratuity to distressed and necessitous French emigrants, have, likewise, executed their trust, with a care and fidelity, happily corresponding with the benevolence of the grant. From their report, you will perceive the extent of the relief, that has been afforded; and, let me add, that connected with the sympathy, which the approaching inclement season is calculated to inspire, there will be found sufficient inducements to continue, for some time longer, this exercise of legislative bounty; whose unfortunate objects are, in general, destitute of every other resource, for procuring the necessities and comforts of life.

The papers that respect Metoxen, the Oneida Indian, for whose education and maintenance provision was made by law, will shew, that every step was taken to accomplish, in the most economical manner, the design of the Legislature. It appears, however, that, owing to some casualty in the Indian's family, and other circumstances, perfectly consistent with a grateful sense of the favours that were conferred on him, he has chosen, for the present, to decline the patronage of the state, and to return to his nation.

If you shall find an opportunity, Gentlemen, during the present session to enter upon general improvements, in the several departments of our government, permit me to refer to my former communications, for many subjects, that have appeared, in my opinion, highly interesting to our political economy. In the judicial department, there is still wanting a delegation of equitable powers. The state courts, according to their present constitution, are, in many cases, I understand, embarrassed for the means of administering adequate and complete justice, on account of the strict forms and principles of the common law. As the federal courts,

indeed, are vested with competent equitable powers, it would seem necessary to the attainment of that uniformity, which I have strenuously recommended, that a mere difference in the tribunals, should not be allowed to make an essential difference in the mode, or the extent, of a judicial remedy. Besides, the constitution evidently contemplates the enlargement of jurisdiction to which I allude; as well as the establishment of a form of action, for bringing suits against the commonwealth; and, therefore, both objects will, no doubt, command a seasonable and salutary share of your attention.

How far the interests of our commerce would be benefited by the revival of the bankrupt laws, you will judge; and, perhaps, the prospect of receiving, from the wisdom of Congress, a general system for the United States, may supercede the necessity of your legislating, at this time, upon the subject. It may not be inexpedient, however, to take into your consideration, the law relating to our commercial paper currency and marine insurances, in order to place those important objects on a clear and stable foundation. For the encouragement of navigation, as well as for the sake of the public health, permit me, likewise, to remind you, that the institution of a naval hospital, to be connected with the Health-office; will require but little public expense, though it will confer a great public benefit.

The calamity which recently afflicted the city of New York and the town of Norfolk, (and upon the cessation of which permit me cordially to congratulate you) rendered it proper to exercise the cautionary authority given by law, for the purpose of prohibiting all intercourse, between places infected with contagious diseases, and the city of Philadelphia. On this occasion, however, some doubts were entertained, in respect to the means which might be lawfully pursued, to enforce the prohibition; and, therefore, as the nature of the case

evidently requires a strict and summary proceeding, it may be advisable, during the present session, to remove all ambiguity in the existing act; and to provide more speedy and effectual remedies, against a violation, or an evasion of those regulations, which, in such exigencies, are indispensable for the safety and tranquility of the public. A report from the Inspectors of the Health-office, which will likewise, be laid before you, justly complains of the inconveniences that have occurred in the course of discharging their duty, for the want of a competent fund to maintain the institution; and the object is certainly of sufficient importance to require immediate consideration.

The improvement of our militia law, has been a constant topic, in my communications, to the General Assembly; but, its claim to legislative attention continues undiminished. A statement of the numerous defects, which have already produced great embarrassment, and which must continue to defeat every expectation of system and energy in this important department, will be found upon your records. I shall, therefore, only observe, generally, that for the purpose of organization, armament, and discipline, it has become indispensable to enforce obedience to the law, by higher penalties; to obtain services by more adequate compensations; to ensure skill by more frequent exercises; and to prevent a want of arms and ammunition, by establishing public magazines and arsenals, in convenient districts.

The proper officers will lay before you, Gentlemen, all the details relating to the public finances; but, in the mean time, it may be useful to inform you, that agreeably to the directions of the act of the seventeenth day of April last, there have been purchased, for the use of the state, a sum of eighty-three thousand four hundred and sixty-nine dollars and eighty-three cents, in six per cent. stock, at par; and a sum of three hundred and sixteen thousand eight hundred and twenty-five dollars

and twenty-one cents in deferred stock, at less than the rate prescribed, for two hundred and twenty-six thousand eight hundred and thirty dollars and three cents:—the whole disbursement, on the occasion, amounting in specie, to the sum of three hundred and ten thousand two hundred and ninety-nine dollars, and eighty-six cents. From this encrease of our capital, we shall draw an immediate interest of about five thousand dollars; which, however, will be augmented, as soon as the deferred stock becomes productive, to an interest of about twenty-four thousand dollars. Adding, therefore, the latter sum to the probable profit, annually accruing from the public property in the bank of Pennsylvania (which has hitherto been equal to one hundred thousand dollars) the certain and permanent income of the state, arising from its existing pecuniary capital, will amount to one hundred and twenty-four thousand dollars.

But, even to this funded capital, a great accession may reasonably be expected, from a prudent management of our contingent revenues. The emoluments of the Land-Office, which, between the first of January and the thirty-first of October last, have yielded a sum of seventy-three thousand one hundred and eighty-two dollars and seven cents; and the collection of the arrearage of state taxes, which, during the same term, has yielded a sum of twelve thousand five hundred and sixty-two dollars and eighty-two cents; must continue to be highly important, for a considerable period longer. The annual product of the ordinary revenues, arising from taxes on sales at auction, on tavern and marriage licenses, and from the fees received in various public offices, may fairly be estimated, independent of the obviously growing value, at the sum of forty thousand dollars. And, besides these supplies the treasury will eventually be enriched by the accumulation of the monies issued on loan, in pursuance of the act of the

eleventh day of April, one thousand seven hundred and ninety-three; by the reimbursement of the monies advanced for the United States, on account of the western expedition; and, in short, by the operation of various other miscellaneous resources, which the official reports from the department of accounts will particularly exhibit.

From this review, it appears, then, that the state is in possession of effective means, for assuring a constant income of one hundred and sixty-four thousand dollars, exclusive of the unappropriated monies, that must periodically accumulate in the treasury. On the other hand, the only permanent incumbrance on our revenues, arises from the necessary expenses of government; which, including a charge for current militia services, and a charge for maintaining the police of the port of Philadelphia, may, in the aggregate, be estimated at one hundred and thirty thousand dollars. The pension list, however, will continue, annually, for some years, to claim about ten thousand dollars; and of the public debt, there remain to be redeemed, on the application of the respective creditors, a sum of four thousand three hundred and eleven dollars and forty-five cents, in the three per cent. and deferred Purparts; and a sum of twenty-one thousand two hundred and four pounds eighteen shillings, in the funded and depreciation certificates.

Gentlemen of the House of Representatives:

I have forborne to add the enumeration of incumbrances upon our revenues, either the loan of twenty thousand pounds (on which there is due a balance of about forty thousand dollars) obtained from the Bank of North America, for the purpose of accommodating, with suitable buildings, the President and Congress of the United States, on their arrival in this city; or the amount of two thousand and fifty-four dollars and sixty-

three cents in certificates issued for claims, that have been liquidated during the recess of the Legislature; as, I presume, that you will take the present opportunity to satisfy both those objects. In relation to the first, however, I shall direct to be laid before you, the report of the Agents who have superintended the erection of the house, intended for the use of the President; and, permit me to remark, that, as the exorbitant rise in the expense of building, has rendered it impracticable to execute the design of the Legislature, with the sums hitherto appropriated, the strictest economy requires, that an additional grant should be made, to prevent the structure's remaining in its present unfinished and exposed condition.

The humane institutions of Philadelphia, have long been an honor to our capital, and have uniformly enjoyed the bounty and patronage of the Legislature. It is, with great cheerfulness, therefore, that I undertake to present to your consideration, a memorial from the Managers of the Pennsylvania Hospital, describing the insufficiency of their funds, for relieving the unfortunate objects, who daily claim their charitable care and protection. The rapid increase of the inhabitants of the state, must necessarily, indeed, occasion a proportionate increase of those afflictions, which the Hospital was particularly designed to alleviate; and such hitherto has been the exemplary management of the funds, and economy of the institution, that you will not hesitate, I am persuaded, to regard this application, for pecuniary aid, as perfectly entitled to your attention and confidence.

For the ordinary expenses of government, and for the encouragement of public improvements, you will, doubtless, provide with your accustomed liberality. It only remains, therefore, to inform you, that the balance of specie in the treasury, at this time, amounts to eighty-six thousand one hundred and seventy-one dol-

lars and five cents; to which the half yearly dividends on our public stock will shortly be added. There is, likewise, a quantity of paper money collected, which you will, of course, direct to be destroyed.

Gentlemen of the Senate and Gentlemen of the House
of Representatives:

Having instructed the Secretary of the commonwealth to present to you, the papers, explanatory of the various subjects that I have mentioned, permit me to assure you, that I shall be happy, by every other means in my power, to facilitate and expedite the business of the session. The harmonious operation of the several departments of our government, has hitherto, indeed, been eminently useful, and may, I trust, be regarded as an honorable pledge, for the continuance of mutual confidence and consideration. The influence of such an example is incalculable in its extent, and in its advantage, spreading from the state to the Union: from the administration of public affairs, to all the pursuits and enjoyments of social life. Independent, likewise, of the strict objects of the legislative trust, it is a matter of serious importance to our constituents, that their Representatives, by periodically assembling at the common seat of trade and information, are enabled to ascertain, explore and disseminate that knowledge, which is necessary to the performance of the civil obligations, and to the preservation of the civil rights, of the community. But it has already been remarked; that whatever way we look, the prospect seems to brighten and expand. By prosecuting, therefore, the task, that is assigned to us, with a zealous co-operation, in our private, as well as public, characters, we shall be entitled to indulge the most sanguine hopes of success; and cannot fail to establish the honor of the govern-

ment, on its only durable foundation,—the happiness and confidence of the people.

THOMAS MIFFLIN.

Philadelphia, December 4th, 1795.

To the Assembly advising of the reception from the Secretary of State of a treaty of peace between the United States and certain Indian Nations and tribes.

Gentlemen:

I HAVE RECEIVED FROM THE SECRETARY OF State, and directed to be herewith laid before you, authenticated copies of the treaty of peace and friendship between the United States of America and certain nations and tribes of Indians, concluded on the third of August, 1795, by Major General Wayne, duly authorized thereto, on the one part, and the Sachems and War Chiefs of the said nations and tribes, of the other part.

THOMAS MIFFLIN.

Philadelphia, January 16th, 1796.

To the Assembly transmitting a report from the Commissioners appointed to lay out towns on the North-west frontier.

Gentlemen:

I HAVE RECEIVED A GENERAL REPORT FROM the commissioners who were lately employed in laying out the towns on our north-west frontier; and, as it contains a great variety of useful information respecting the executing of their trust, and the means of securing the advantages contemplated by the

Legislature in forming these settlements, I have directed the Secretary to present copies of it for your consideration.

THOMAS MIFFLIN.

Philadelphia, January 25th, 1796.

To the Assembly recommending improvements in the laws respecting confined debtors and criminals in the Prison of Philadelphia.

Gentlemen:

THE INSPECTORS OF THE PRISON OF PHILADELPHIA, having consulted the Attorney General on certain necessary improvements in the laws respecting confined debtors and criminals, I think it proper to submit the result to your consideration, and to recommend, that the alterations suggested may receive an early sanction from the legislative authority.

THOMAS MIFFLIN.

Philadelphia, February 9th, 1796.

To the Assembly vetoing an act to alter, amend and repeal certain provisions in the health laws of the State.

Gentlemen:

HAVING TAKEN INTO CONSIDERATION A bill, entitled "An act to alter, amend and repeal certain provisions in the health-laws of this commonwealth," I have directed the Secretary to return the same to the House of Representatives, in which it originated, but without my signature or approbation; as I think, upon mature reflection, the following objec-

tion ought to prevent its being enacted in its present form:

Because it is declared, by the fifth section of the act, that "the Inspectors shall have power to suspend or remove from office, for such reasonable cause as to them shall seem sufficient, the Visiting or Resident Physician, and an other or others to appoint in his or their place;" whereas the eighth section of the second article of the constitution provides, that "the Governor shall appoint all officers whose offices are established by the constitution, or shall be established by law, and whose appointments are not therein otherwise provided for, and the offices of Visiting and Resident Physicians are established by law, and the appointments thereto are not otherwise provided for by the constitution.

THOMAS MIFFLIN.

Philadelphia, April 4th, 1796.

Proclamation Announcing the Names of Presidential Electors.

Pennsylvania, ss:

IN THE NAME, AND BY THE AUTHORITY OF the Commonwealth of Pennsylvania. By THOMAS MIFFLIN, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas, it is provided, in and by an Act of the General Assembly, entitled "An Act directing the manner time and places, for holding Elections for the Electors of a President and Vice President of the United States," passed the fourth day of April last, that the Governor having received the returns of the

Elections from the respective Prothonotaries of the several Counties of this Commonwealth shall enumerate and ascertain the number of votes for each and every person voted for, as the Electors of a President and Vice President of the United States, and thereupon declare by Proclamation the names of the persons so duly elected and chosen, and also that he shall notify the same to the Electors respectively on or before last Wednesday in November instant.

And Whereas, it appears by the Returns which I have at this time actually received (being all the Returns of the State, except the Returns for the county of Greene) that Thomas McKean, Jacob Morgan, James Boyd, Peter Muhlenberg, Joseph Heister, William McClay, James Hanna, John Whitehill, William Irvine, Abraham Smith, John Piper, John Smilie, William Brown, Robert Coleman and Samuel Miles are the fifteen persons for whom according to the Returns received as aforesaid, the greatest number of votes were given at the said Election held on Friday the fourth day of November instant. Now, therefore, I have issued this Proclamation: hereby publishing and declaring that the said Thomas McKean, Jacob Morgan, James Boyd, Peter Muhlenberg, Joseph Heister, William McClay, James Hanna, John Whitehill, William Irvine, Abraham Smith, John Piper, John Smilie, William Brown, Robert Coleman and Samuel Miles appear according to the Returns received as aforesaid to be elected and chosen Electors of a President and Vice President of the United States, to serve at the Election, in that behalf to be held, at the Borough of Harrisburgh in the County of Dauphin on the first Wednesday in December next, agreeably to the said Act of the General Assembly of this Commonwealth, and the Act of Congress in such case made and provided.

Given under my Hand and the Great Seal of the State, at Philadelphia, the twenty-fourth day of November in

the Year of our Lord one thousand seven hundred and ninety-six, and of the Commonwealth the twenty-first.

By the Governor,

A. J. Dallas,

Secretary of the Commonwealth.

Opening address to the Assembly, 1796.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

INVESTED WITH THE ARDUOUS, THOUGH honorable, trust, of legislating for a free and enlightened people, you will be gratified in contemplating so favorable an opportunity, for the performance of your duties, as the present season of peace and prosperity.

To provide for the preservation and administration of the republican system, under which our country has flourished beyond example; to improve and protect the institutions, that are designed for the advancement of virtue, the dissemination of knowledge, and the administration of justice; and to multiply the means by which every species of honest industry, may be effectually encouraged and rewarded; are the great objects confided to your wisdom and patriotism. For these objects (it must be allowed) much has already been done; but it is implied in their very nature, that much will always remain to do: the increase of population, the extention of agriculture and commerce, the progress of arts, and the inevitable vicissitude of human passions and pursuits, can never fail to furnish occasions, for the exercise of legislative care and authority.

While affording the aid to your deliberations, which

the constitution requires from the Executive Magistrate, permit me, Gentlemen, to suggest some of the amendments, of which our laws, on these fundamental points, appear to be susceptible.

In relation to the organization, and the operations of a representative republic, the rights and rules of election, demand peculiar attention. From the complex character of our political association the rights of suffrage may be acquired in various modes; by birth, by naturalization in this commonwealth, or by naturalization in any of our sister commonwealths; but the successive changes of the state and federal constitutions have so deranged the provisions, which the law had previously made, that a declaratory act has become necessary, it is thought, to render the subject clear (as it ought to be to every understanding. The adoption of such a measure, extending to a general revision of the election laws, I trust, it will be deemed expedient to incorporate, into one system, all the regulations that respect the federal, as well as state, officers; and to introduce additional sanctions, for securing at this source of the health and vigor of the body politic, purity and independence, vigilance and impartiality.

The difficulties, which have again arisen, in the election and returns of the Electors of a President and Vice President of the United States, have recently attracted the public attention, and are peculiarly calculated to enforce any recommendation, on the interesting subject, to which I have just adverted. By the law it is made the duty of the Prothonotaries to deliver the returns of their respective counties within fourteen days after the election; and it is made the duty of the Executive to enumerate the votes, to proclaim the Electors having a majority of votes, and to cause those Electors to be notified of their election, on, or before, the last Wednesday of the month. In a few of the counties, however, the votes of particular districts, for

various reasons, were not included in the general returns; and the returns of several of the remote counties were not received, when the term, prescribed to the Prothonotaries, for executing their trust, had expired. By the precedent, established on the opinion of the Judges and the Attorney General, at the election of Electors in the year one thousand seven hundred and ninety-two, and confirmed in the same manner, on the late occasion, the limitation imposed on the Prothonotaries, could only be considered as directory with respect to their conduct, and not as an exclusion of returns delivered at a subsequent period: The limitation, likewise, imposed on the Executive Magistrate, must be considered, as still referring it to his discretion, to delay enumerating the votes, and proclaiming the public choice, for any period, that was compatible with the delivery of official notifications to the Electors, on the day designated by the Legislature. With this authoritative exposition of the law; possessed of positive information, that elections had been held in all the counties; and concluding, from repeated statements communicated to me, that the returns had been fraudulently intercepted, or accidentally postponed, I determined, contrary to my first intention, but, upon mature consideration, and with the advice of the law-officers of the state, to defer the enumeration to the latest hour that I legally could; and in the mean time, to give a full and impartial opportunity, for supplying the deficiencies, and correcting the errors, of the general returns. As the best proof of the propriety of this determination, it now appears, that had I pursued a contrary course, the real voice of the people of Pennsylvania, fairly given, and accurately ascertained, would not have been announced. A neglect of the judges of election, to deliver, in form the returns of two districts in Northumberland and Lycoming counties; and the act of sending the mail, which contained the returns of Westmoreland and Fayette

counties, from Greensburgh, the place of deposit, or some subsequent stage to Pittsburgh, instead of being forwarded, as it ought to have been, to the city of Philadelphia; were the circumstances, (the latter of which will, I am persuaded, undergo a strict scrutiny in the proper department) that without any other imputable negligence, or delinquency in the voters, or in the returning officers of the state, had occasioned the delay and difficulty, which I have described. But upon the whole, I am confident, that you, Gentlemen, that every candid citizen, will agree, conformably to the opinion and advice upon which I have acted, that no fraud, force, or accident, should be allowed to divert, or defeat, the regular operations of the public choice; and that whenever the real sense of the people can be authenticated, the remissness, the mistakes, the malversations, of officers, (who are appointed merely to preserve form and order in transacting the business of elections) cannot be sufficient to preclude investigation, in contradiction to evidence and reason, nor to establish error, at the expense of truth and justice. It is true that the act respecting the choice of Electors, has not provided a specific mode for examining and deciding upon the controversies, which have arisen, and probably, will often arise, at elections of such importance; but it is the constitutional duty of the Executive Magistrate, to take care that all the laws of the state shall be faithfully executed; and it is my earnest wish, that the expression of the legislative will may always be made so explicit and so ample, as to leave nothing for construction to explain, or discretion to supply.

It will be universally acknowledged, that to guard a republican government against internal encroachments, or external violence, a well organized and well disciplined militia, is the only safe and efficient instrument; and yet it is also obvious, that the police of Pennsylvania is not, in any respect, more feeble and defect-

tive. Let it then be remembered, that the danger of foreign hostility (though I anxiously hope it is a remote) is not a visionary evil; and that emergencies will sometimes arise in the best ordered communities, which the power of the civil magistrates is not competent to encounter. In either case, if the militia cannot be seasonably embodied, it will be found hazardous and improvident, to trust the defence and tranquility of the state, to the only alternatives that occur;—a permanent military force, or the casual exertion of volunteers. Upon this topic, however, Gentlemen, every proper opportunity has been embraced, to engage the attention of the Legislature, particularly at a period when the reputation, if not the security, of our government was menaced; and when a greater expense was incurred to obviate, in a single instance, the embarrassments produced by the imperfection of the existing law, than would be necessary for constantly maintaining, in a state of preparation and energy, a judicious and liberal establishment of the militia. Referring, therefore, to the records of the General Assembly, and to the report of the Adjutant General, which will be laid before you, for a specification of the improvements essentially requisite, I can only add an opinion, fortified by every day's experience, that the duty which we owe to our immediate constituents, our federal obligations, public convenience, and genuine economy, concur in recommending a prompt and radical reform.

That a general diffusion of useful knowledge among the citizens, serves invariably to repress the spirit of licentiousness, and to cherish a sense of rational liberty, the histories of nations, and the speculations of philosophers, are, alike, calculated to demonstrate. Impressed, indeed, with this important truth, the framers of our constitution have emphatically imposed an obligation upon the Legislature, to devise and establish a system of education, “in such manner, that the

poor, throughout the state, may be taught gratis." Independent, therefore, of the motives, which would otherwise, actuate every wise and benevolent statesman, all the offspring of indigence and penury, have an interesting and incontrovertible claim, to the enjoyment of a public provision, for the illumination of their minds, and the cultivation of their faculties. But, still, regarding the institution only as an auxiliary to perpetuate the blessings of a free government, and to assimilate the language, sentiments, and manners of the citizen, you will not, I am confident, Gentlemen, allow it to be retarded by the suggestions of a parsimonious policy; nor to be fettered by any restriction, proceeding from local jealousy, or habitual prejudice. Every part of the community is interested in the well being of the whole: The security of each member will always, in some degree, depend upon the intelligence and virtue of the rest: And thus, the measure now contemplated, as well as every other measure for the public benefit, is nothing more, in fact, than a common medium, through which all the individuals of the same society (however classed, and wherever situated) infallibly derive a just proportion of advantage.

To this branch of our review, may be properly annexed, the considerations that respect the departments, and public offices, in which the business of the state is transacted; since it must be nugatory to recognize the theory of a free government, unless the mode of administering it shall, at the same time, be arranged and enforced, on a corresponding principle of order, simplicity, and energy. In the department of accounts, and the land-office, several improvements will be suggested by the reports of the respective officers; but, it is incumbent on me to represent, that the death of the State Treasurer having occasioned a vacancy in that office, and some doubts being entertained of the constitutional power of the Executive, to make a tempor-

any appointment, during the recess of the Legislature, I was happy to find, that neither the interest, nor the credit, of the government would suffer, by my declining any direct interference on the occasion. It will be proper, however, to provide, by law, against the inconveniencies that may result from a similar situation at any future period: And you will readily excuse my reminding you, that an adequate arrangement, has not yet been made, for establishing suitable buildings to contain and preserve the public records; particularly, such as relate to the land-office, to the office of register of wills, and to the offices of the Prothonotaries of the several courts held in the city of Philadelphia, which are now exposed to constant danger from fire and other accidents. If, indeed, the removal of the seat of the federal government, or any other occurrence, should prevent the building, which has been lately erected by the state (and of which an account will be laid before you) from being permanently occupied according to its original destination, it might, perhaps, be conveniently appropriated to the accommodation of the legislative and executive departments, so as to preclude the necessity of incurring any additional expense, for the purpose that has been intimated.

Proceeding, Gentlemen, to a consideration of our public institutions, for promoting the practice of virtue, and the administration of justice, the philanthropic and patriotic mind will discover in the success, that has hitherto attended every experiment, the noblest reward, as well as the strongest incentive to perseverance. The penal code of Pennsylvania, purified from its ancient sanguinary stain, continues to evince its efficacy, in producing the only result, that can be desired from the infliction of punishment—the reformation of offenders, and the security of the public: while the general constitution of our courts of justice, seems only to want a portion of the equitable powers of a Court of Chan-

cery, in order to become completely operative. It may not be useless, however, on the first of these subjects, to submit to your consideration the expediency of reducing all the penal laws into one act; and, on the other to recommend, that some modification should be adopted, to render the remote circuits of the Courts of Common Pleas more convenient to the officers, as well as to the citizens, who attend them.

The education of the poor being already mentioned, it is only necessary here to add, that institutions calculated to supply them, at all seasons, with the materials of labor; and to afford them an asylum when age, or infirmity, afflicts, must prove a powerful guarantee for that purity of morals and manners, to which idleness and extreme indigence are incessantly and fatally opposed. The poor laws, the laws relative to the establishment of work-houses, and the laws affording a legislative patronage to public hospitals, claim, with this view, an early and careful revision. The temporary and gratuitous aid granted for the relief of distressed French emigrants, has been faithfully and effectually applied; and, independent of its charitable uses, has, doubtless, produced many salutary effects, as an act of policy: but you will perceive by the report of the agents employed in distributing it, that there are still some of the emigrants, to whom the continuance of your bounty is necessary, as the only means of support; and for whom, at this season of the year, your humanity cannot fail to be deeply interested.

Directing your attention, Gentlemen, to the means, by which the industry of our fellow citizens may be encouraged, and rendered most productive and beneficial to the community, it will, at once, be discerned, that the interests of society are so intimately interwoven, and so mutually dependent, that endowments, which might, superficially, seem to be the immediate and exclusive advantage of a particular art, science or occu-

pation, may always, nevertheless, be accurately traced throughout the whole circle of our avocations and pursuits, diffusing a benign and salutary influence.

But the relations of agriculture and commerce are, at this period of our national independence, the most obvious, and, perhaps, the most important, to be considered and cultivated. In order, therefore, reciprocally to promote those essential interests, permit me earnestly to recommend a liberal perseverance in the policy, of extending and facilitating the communication between the different parts of the state, by every practicable mode, of roads, of rivers, of bridges, and canals. Indeed, the spirited example which your predecessors gave, has excited in one of our sister states at least, an emulation so active, as to demand some extraordinary exertion, on our part, merely for preserving that portion of the benefits, arising from an intercourse with the lakes and western waters, to which our local position, and other natural advantages, have justly entitled us. The towns that have been laid out, and, in part, sold (at a considerable price) on Lake Erie and the western borders of the state, seem, likewise, only to require the means of free communication, to ensure a rapid population, and prosperous trade. But it may be proper here to revive the idea, which was intimated to the Legislature on a former occasion, that if a part of each of the reserved tracts in the neighbourhood of those towns, was divided into farms of convenient extent, and granted, for a moderate consideration, to actual settlers, the measure would afford additional security to the frontier inhabitants, and, at the same time, enhance the value of the remaining public property.

In all these efforts, however, to augment the opulence of the state, by extending the sphere of population and settlement, every possible precaution should be observed, to prevent the feuds and litigations, which are produced by the collision of titles, or by a specious

opposition of the equitable claim of an improver, to the legal rights of a patentee. The appearances on our western frontiers are, in this respect, of a nature to excite some solicitude, and to demand immediate care: nor will it be found, upon examining the documents which I have directed to be laid before you, that the territorial controversy at Wyoming, which has so long violated the public authority, and disturbed the public peace, is at all abated in its virulence, or audacity. In compliance with the request of the Legislature, a proclamation, relative to the latter object, was issued and communicated to the Governors of New York, Massachusetts, Rhode Island and Connecticut; and it affords me great pleasure, publicly to acknowledge the alacrity and decision, with which, in every instance (except, perhaps, in the instance of Connecticut) I was honored with the authoritative co-operation of those magistrates. But it is evident from the systematic proceedings of the lawless intruders on the Wyoming district, that measures more operative, than those which have hitherto been sanctioned by the Legislature, must be adopted, to evince the power, and assert the rights of the commonwealth; unless, under the peculiar circumstances of this controversy, it shall be thought most equitable and prudent to promote a compromise between the parties, by allowing either of them, to take, in commutation for the lands now claimed, a proportionate quantity of unappropriated public lands, in any other part of the state.

When considering the direct aid, which the Legislature may afford to commercial industry and enterprize, it can scarcely be necessary to remark, that those ought to be distinguished in their treatment, as they are ever distinguishable in their nature, from the wild and fascinating movements of the spirit of speculation; a spirit that never fails to taint the morals, and blight the credit, of the nation, which is exposed to its malignant

influence. Though it is impossible, under the present circumstances of our country, to avoid noticing this evil; and, perhaps, lamenting that our government, by an indiscriminate sale of the public lands, has contributed to create it, I will not pretend, Gentlemen, that it is in my power to suggest, or in yours, to provide an adequate remedy. Some reformation, however, would probably, be produced, by augmenting the penalties against all kinds of gambling; by amending the laws for the relief of insolvent debtors; and by reviving the act for the regulation of bankruptcy. It must be remembered, likewise, that every measure, which tends to annihilate a fictitious credit, and to counteract a fraud in trade, will, with an equal force, invigorate the real capital of our commerce, and encourage its fair and salutary operations. And if, after the establishment of a system, that will do ample justice to creditors, by preventing their debtors, from committing a waste, or concealment, of property, you shall be disposed to abolish the practice of imprisonment for debt, the principles of our constitution, of the common law, and of sound policy, will, in my opinion, warrant and approve the act.

At the opening of the last session, it was intimated, that the footing, on which the marine insurances, inland bills of exchange, and promissory notes, existed in Pennsylvania, might be rendered more secure and satisfactory to the public, by adopting, in relation to the respective objects, such of the positive regulations of foreign countries, as experience had proved to be beneficial. Allow me, under the impression of increasing inducements, to renew the recommendation at this time; and, particularly, to observe, that the presence given, by law, to promissory notes, discounted at the Bank of Pennsylvania, (an institution in which the state has vested its pecuniary capital) has been deemed

a singular departure, from the disinterested and liberal policy, that characterises our legislative code.

Having thus reviewed the general situation of public affairs, and cursorily pointed out the principal improvements, that may be made in our police, I proceed, Gentlemen, with the highest satisfaction to inform you, that the state of our finances will assure to all your undertakings, for advancing the interest and happiness of our constituents, an abundant and constant supply of wealth: The debts and duties paid into the treasury from the first day of January to the first day of November last (and to which several important payments have since been added) amount to the sum of two hundred and sixty-five thousand five hundred and eighty dollars and eighty-two cents; and this sum, together with the pre-existing balance of ninety-thousand one hundred and eighty-nine dollars and fifty-two cents, constitute a fund of three hundred and fifty-five thousand seven hundred and seventy dollars and twenty-four cents; which is much more than sufficient to meet all the contingencies of the expiring year. For the deduction to be made, during the corresponding period, in order to defray the expenses of government, to discharge the public debts, to advance the public improvements (including the several grants for enlarging the Pennsylvania Hospital, and finishing the house intended for the accommodation of the President) and to supply the variety of miscellaneous disbursements stated in the report from the department of accounts, amounting only to the sum of two hundred and eighty-two thousand four hundred and forty-four dollars will be found to have left in the treasury, on the first day of November last, a specie balance of, at least, seventy-three thousand three hundred and twenty-six dollars.

The principal sources of revenue, which have been established, likewise, (as I have stated) preclude the ap

prehension of any failure, or disappointment, in prosecuting on a liberal and judicious scale, the important objects of your administration. From the public capital, vested in the bank of Pennsylvania, an annual dividend of ninety thousand dollars may be confidently expected. From the stock of the United States, which is the property of Pennsylvania, an annual sum of about six thousand six hundred and seventy-nine dollars, is now enjoyed; which, when increased by the eventual product of the deferred stock, will amount to an annual sum of about twenty-five thousand six hundred and ninety dollars, liable however, upon the payment of the principal, according to the stipulated installments of the acts of Congress, to be gradually diminished, and finally extinguished at the close of the year one thousand eight hundred and eighteen. From the duties and fees collected on tavern and marriage licenses, on sales at auction, and in the public offices, we may compute an annual accumulation of fifty thousand dollars. And the combined result of these several items, constituting the ascertained revenues of the state, furnishes an income of about one hundred and forty-six thousand six hundred and seventy-nine dollars. But, it must, also, be taken into our view, that the contingent resources, arising from the arrearages of taxes, from the sale of the town and out-lots on Lake Erie, and on the western frontier (including the forfeited lots in the town opposite to Pittsburgh, which I directed to be disposed of) from the receipts at the land-office, and from the collection of various debts, will, in the progress of several years, greatly augment, the existing capital of the state.

Gentlemen of the House of Representatives:

In this bright, but faithful prospect, of our finances, possessing all the materials for acting in your peculiar province, upon the principles of an enlarged and gener-

ous policy, you will not. I am confident, be wanting in the disposition, or the wisdom, to improve them. For the expenses of government, computed at the annual sum of one hundred and thirty-five thousand dollars; for the decreasing claims of the pension list, now computed at the sum of ten thousand dollars; for the unfunded state debt, ascertained, during the recess, to the amount of fifteen hundred dollars, and for the other unavoidable contingencies, in administering the public affairs, you will, doubtless, make the ordinary appropriations, during the present session: but allow me again to recommend the reimbursement of the loan, obtained from the bank of North America, on a pledge of the duties arising from sales at auction; and to press upon your consideration, the expediency of establishing a general rule, for employing the surplus specie, which accumulates, from time to time, in the treasury; and which, according to the existing system, will often, for a considerable period, and to a great amount, lie useless and unproductive. The policy recommended in this address, and your own patriotic researches, will satisfactorily indicate the proper objects of such an arrangement.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

In addition to the papers, to which I have already referred, the Secretary is directed to present, for your information, copies of the proclamations, respecting the election of Electors of a President and Vice-President of the United States, and of the election of Representatives, in the ensuing Congress; a copy of the proceedings to supply the vacancy in the present Congress, occasioned by the resignation of Daniel Heister; a general statement of the progress that has been made, in executing the contracts for improving roads and rivers; a copy of the report, from which it appears, that the

new edition of the laws is nearly ready to be delivered; and the schedule, specifying the acts, which, on account of their respective limitations, will claim a share in your deliberations. You will indulge me while I subjoin, to these miscellaneous matters, a personal request, that bills, after passing both branches of the Legislature, may be so seasonably presented for examination, as to rescue me, in future, from the dilemma, of either giving the Executive sanction to the laws, without due consideration, or protracting the sessions of the General Assembly, beyond the period, which the convenience of the Members might prescribe.

A perfect view of the interests of Pennsylvania leading us, naturally, to contemplate her relative situation, as a member of the union, it will not, Gentlemen, be deemed obtrusive, or improper, at this important aera, to close my communications, with a reference to the general tranquility, order, and prosperity of the sister states. Our country had scarcely recruited the strength exhausted in her revolutionary contest, and scarcely surmounted the embarrassments produced by her first feeble consideration, when the sudden and irresistible explosion, which still shakes the political atmosphere of Europe, urged to a severe and painful test, the passions of her citizens, and the energies of her government. The love of liberty, and the sense of obligation, created in the American mind, an honorable predilection for the cause of the French people; but the duties, and the interests, of a neutral character, imposed upon our government, the adoption of a system, by which none of the belligerent powers might have reason to complain of the violation of our faith, and all would be compelled to acknowledge the rectitude of our impartiality. The same skilful and patriotic hand that had led us, triumphantly, through the gloom and conflict of a seven years' war, was again employed, at that arduous period, in pointing out the path of justice, honor

and peace: And the effects of the auspicious course, that has been pursued, are visible throughout the land. Notwithstanding the inconveniences and outrages, to which our commerce has been unhappily exposed, the cities and towns of the union have flourished in arts and opulence; the face of the country has been universally improved and beautiful; and all the staple products of the American soil, have been cultivated and matured beyond the most sanguine anticipation. The blessing of being preserved from a participation in the European war, has been consummated by the cessation of Indian hostilities on our frontiers: Nor will it be estimated as a gratification of inconsiderable value, that the exertions of the federal government, have at length, released our unfortunate fellow-citizens from the Algerine captivity; restoring them to civil freedom, and domestic comfort.

But, at this moment, Gentlemen, circumstances arise, which are calculated to cast a shade upon the splendor of the scene, that has been described, and to interrupt the current of our enjoyments: You will readily perceive, that I allude to the President's retreat from public life; and to the dissatisfaction, which the French republic has expressed, at the conduct of our government. With respect, however, to the latter of these painful events, we may implicitly expect, that the probity, moderation and wisdom, of the federal authority, and the justice and magnanimity of the executive directory, will speedily furnish an effectual relief, by restoring the nations to that state of confidence, concord, and amity, which can alone be congenial with the popular feelings, and the political interests, of both the republics. But, in relinquishing the active services of a Patriot, who has so meritoriously swayed the affections of his fellow citizens; and so successfully executed the councils of his country; we must, in vain, attempt to calculate the loss; and can derive consolation

from this reflection alone, that, while the grateful love and veneration of his cotemporaries shall give to his retreat, all the solace that this world can bestow, the rich inheritance of his example and his fame, shall be the palladium and pride of our latest posterity.

Thus deprived, in our political transactions, of the benefit of those virtues and talents, that might inspire universal confidence; and of those auspices, which have hitherto given a propitious stamp to the fortunes of America; the crisis will demand from every department of government, from every member of society, a zealous and faithful co-operation. Let us, then, Gentlemen, by laws judiciously framed, and punctually executed; by private example, as well as by official vigilance; discharge the important trust confided to us; discountenancing, at all times, and by all means, the ungenerous asperity of party-spirit; and inculcating the principles of benevolence and harmony. By the observance of a policy thus enlightened, you will confirm the virtue and happiness of your constituents, and raise a lasting monument of your own wisdom and patriotism; you will perpetuate the individual prosperity of Pennsylvania, and enlarge the scale of her influence, in maintaining the rights and dignity of the union. In a career so glorious, I shall cheerfully, though diffidently accompany you with all the powers of my office, and all the faculties of my mind: enjoying the best of all rewards, if, at the close of a long and assiduous political life, I shall prove to my fellow citizens, that I have not been undeserving of the generous partiality, with which I have been uniformly honored and supported.

THOMAS MIFFLIN.

Philadelphia, December 9th, 1796.

To the Assembly concerning the State of the Commonwealth.

Gentlemen:

A GAIN RECEIVING, WITH THE SINCEREST gratitude, the testimony of public confidence and attachment, which is displayed in my re-election to the office of Executive Magistrate, permit me to bespeak, on your part, a candid interpretation, and liberal support, of the conduct which it shall be necessary to pursue for the faithful performance of its duties.

The crisis is indeed, arduous, interesting and important, but with dispositions so just, and so patriotic, as those which are every where felt and avowed, we may confidently expect, that, in the event, the honor and dignity of the union, will be rendered perfectly consistent, with a continuance of its peace and prosperity.

To contribute to this desireable end, must be the wish of every true American, as well as the duty of all the constituted authorities of our country, according to their respective delegated powers. Let us then, Gentlemen, encourage moderation and respect, in relation to the rights of other nations; and cultivate harmony and order, in relation to our own institutions. Uniting with that deference and cordiality, which are due from the departments of government towards each other, we may thus hope to become the happy instruments of rendering Pennsylvania an expanding scene of domestic concord, and an encreasing source of federal opulence, power and splendor.

I lament, Gentlemen, that a severe indisposition prevents a personal meeting with the General Assembly on this occasion; but I trust, no form of profession will be deemed necessary, to evince the profound respect, which I entertain for the whole body, and the cordial esteem which I cherish for all its members.

THOMAS MIFFLIN.

Philadelphia, December 20th, 1796.

To the Speaker of the Senate announcing the re-appointment of Alexander James Dallas to be Secretary of the Commonwealth.

Sir:

BE PLEASED TO INFORM THE SENATE, THAT I have, this day, re-appointed and commissioned Alexander James Dallas, to be the Secretary of the commonwealth during my continuance in office, agreeably to the fifteenth section of the second article of the constitution.

I have the honor to be,

SIR,

Your most obedient servant.

THOMAS MIFFLIN.

Philadelphia, December 20th, 1796.

To the Assembly recommending provision for the relief of the sufferers from the late fires in Savannah, Georgia.

Gentlemen:

THE CALAMITY, BY WHICH THE GREATER part of the city of Savannah, in the state of Georgia, has been recently destroyed, excites, in the bosoms of our constituents, the purest sentiments of sympathy and sorrow; and, from its magnitude, emphatically claims an intervention of the public bounty and benevolence. Permit, therefore, to submit to your consideration, a letter which I have received from the Mayor of Savannah, on this interesting subject, and to recommend, a prompt and liberal contribution for the relief of the afflicted inhabitants of that unfortunate city.

The pleasure of indulging those generous and humane dispositions, which you have often before manifested,

will, in itself, yield an abundant reward for any pecuniary aid which you shall be pleased to bestow on the present occasion; but, we may be confident, Gentlemen, that the cordial approbation of all the citizens of Pennsylvania, will, likewise, give an honorable sanction to the act, since it must equally serve to display the philanthropy of the state, and to cement the feelings, affections and interests of the union.

THOMAS MIFFLIN.

Philadelphia, December 21st, 1796.

To the Assembly requesting its sanction to a proclamation against the incendiaries in the city of Philadelphia.

Gentlemen:

THE EXTRAORDINARY CIRCUMSTANCES which have lately appeared in various parts of Philadelphia, creating a serious apprehension, that a gang of incendiaries have attempted to set fire to the city, with a view of plunder during the conflagration, I have been requested, on behalf of the citizens, to issue a proclamation, offering a reward for apprehending and securing any person that may be concerned in so iniquitous a plot. But, as the Legislature is in session, I think it proper to obtain your sanction before that step is taken, and I am persuaded, you will readily grant it.

THOMAS MIFFLIN.

Philadelphia, December 21st, 1796.

To the Assembly transmitting certain documents.

Gentlemen:

PERMIT ME TO SUBMIT TO YOUR CONSIDERATION, a statement communicated to me, by the Prothonotary of the Court of Common Pleas of Philadelphia, suggesting the expediency of establish-

ing some limitation, in point of time, when old judgments (which are often discharged, though no entry is made upon the record) shall be presumed to be satisfied so as to destroy their lien upon real estate.

This opportunity will, likewise, be taken to present a letter from the City and County Commissioners relative to the recent repairs in the Senate Chamber of Congress; a representation from the Inspector of salted provisions, intended for exportation, proposing an amendment in our inspection laws; and the report of the Commissioners appointed to review so much of the road from Philadelphia to the borough of York, as lies between Fawkes's tavern and West Chester.

THOMAS MIFFLIN.

Philadelphia, December 29th, 1796.

To the Assembly transmitting an extract from a letter from the Mayor of Savannah Georgia.

Gentlemen:

I HAVE RECEIVED, FROM THE MAYOR OF SAVANNAH, an acknowledgment of the receipt of the money which you appropriated, by law, for the relief of the distressed inhabitants of that city; and I have directed to be laid before you, an extract from his communication, expressive of the thanks of his constituents for so beneficial and so honorable a proof of your sympathy and humanity.

THOMAS MIFFLIN,

Philadelphia, March 7th, 1797.

To the Assembly concerning a report from the inspectors of the prison of Philadelphia.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO LAY before you, a report from the Inspectors of the prison of Philadelphia, tracing the pecuniary operations of that institution, and exhibiting, in the result, after defraying every incidental expense, an existing credit of three thousand and forty dollars and ninety cents, arising from the labor of the prisoners, and the stock of the prison. As every investigation of this nature, serves at once to furnish an eulogium upon the conduct of those who have superintended the institution, and to inculcate the wisdom of persevering in a system of penal jurisprudence so honorable to Pennsylvania and so grateful to humanity; I am confident you will accept the communication, with a pleasure equal to that which I feel in making it.

THOMAS MIFFLIN.

Philadelphia, March 16th, 1797.

To the Assembly concerning the bill to regulate the general elections held within the Commonwealth.

Gentlemen:

THE BILL, ENTITLED "AN act to regulate the general elections held within this commonwealth," was not presented for my consideration, until six o'clock in the evening of the day appointed, by a joint resolution of your Houses, for the adjournment of the Legislature, and as it is, therefore, impracticable, during the present session, to form a correct opinion of the principles and details of a system so extensive and so important, I have thought it proper to give you, by this

message, an early intimation of my intention to keep the subject under advisement.

THOMAS MIFFLIN.

Philadelphia, April 5th, 1797.

Opening Address to the Assembly—1797.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

THE OBJECT FOR WHICH THE PRESENT Session was appointed being confined, I believe, to the completion of such business as was depending at the period of your adjournment, it will be proper to avoid pressing upon your attention any subject, that does not require an immediate interposition of the legislative authority. I enjoy, indeed, a sincere satisfaction in being able, on this occasion, to repeat, that experience has disclosed but few important defects in the general institutions of our municipal policy; while even those subordinate regulations, which are necessary to accommodate the progress of population and settlement in a young country, have, in a great degree, been anticipated by the wisdom and liberality of your predecessors. It is another interesting source of pleasure and congratulation, that, notwithstanding every recent symptom of dissatisfaction and hostility, the conciliatory conduct, which the Federal Government has pursued, promises effectually to restore the harmony of our foreign relations, and to preserve the peace and prosperity of the Union.

In order, however, Gentlemen, to provide against a disappointment in this hope, Congress have directed, among other cautionary measures, that a corps of eighty thousand militia shall be organized, of which

ten thousand six hundred and ninety-six men are to be furnished by Pennsylvania. The necessary instruction shave been issued for complying with the requisition; but permit me to observe, that the imperfections of our militia law (which have often been the subject of remark in my communications to the Legislature) forbid the expectation of certainty or expedition in embodying a competent force upon the present, or upon any future, emergency. In carrying the act for procuring a supply of arms into effect, time has been allowed for transmitting proposals from the most distant parts of the Union; and the delay has enabled me to obtain the aid of the President for facilitating an exportation from Europe; to ascertain, under a late law of Congress, an exemption from duty on the importation into Pennsylvania; and, in consequence of the sudden prospect of a general peace, to insist upon more advantageous terms, than could have been contemplated in an earlier purchase. The contracts will, nevertheless, I trust, be formed, so as to ensure the delivery of ten thousand stands of arms in the course of the ensuing spring: But still it is obvious, that the establishment of an arsenal can be of little importance, unless the regulations for mustering and training the militia shall also be efficient; and, therefore, you will excuse the renewed expression of my solicitude, that a reform may be speedily introduced, on points so essential to the national honor and defence.

As the state of the unfortunate controversy at Wyoming has not been materially changed during the recess, I presume this subject will, likewise, be revived in the deliberations of the present session. The hope was entertained, that a judicial determination in the Supreme Court of the United States would, before now, have obviated every ground of litigation, even upon the question of private property; but as the issue of the suits involving that question can have no direct influ-

ence upon the obligation of the government to assert its right of jurisdiction, I again submit to your consideration, the expediency of adopting, in that respect, a prompt and decisive course of proceeding, whether it shall lead to an equitable commutation of either of the contending claims, or to a coercive establishment of the public authority. The additional documents that I have directed to be presented to you evince the continuance of that spirit of resistance to our laws, which any appearances of supineness or of irresolution, on the part of the state, would, apprehend, fatally extend and embolden.

From the many other subjects which your records will exhibit, allow me, Gentlemen, to select, as deserving of peculiar attention, the institution of public schools, and the system for regulating bankruptcy; the former is recommended with all the force of a constitutional injunction, and the latter, by those considerations of policy and humanity, which will naturally occur, at this crisis, to every mind of feeling and reflection. Some further provisions might likewise be advantageously made, respecting the interior management of the prisons for debtors; particularly in the articles of lodging and subsistence; and it is thought, that the authority of a law is wanting, for a removal from the debtors apartment to the criminal gaol, when a person in custody, upon civil process, shall afterwards be convicted of a crime.

The representations which have been made by the officers of the Land-office point out the necessity of an early appropriation for paying the arrearages due for past services, and for compensating, in future, a competent number of clerks to perform the duties of that department. The allowance has hitherto been so insufficient, that the records, for a series of years, have been unavoidably left imperfect; and even the expense of transacting the indispensable current business has

been partially defrayed, as I am informed, out of the private funds of the officers. You will likewise be pleased, Gentlemen, to prescribe the mode for distributing five hundred and forty-six copies of the new edition of the acts of Congress, which the Secretary of State has transmitted to me, for the benefit of the commonwealth; and some use should immediately be designated for the house originally intended to accommodate the President of the United States, as, in its present unoccupied situation, it is greatly exposed to dilapidation and injury.

It is proper to take this opportunity of stating, that the controversy relative to the prize sloop *Active*, which was captured from the British in the year 1780, has been revived, in a suit brought by certain claimants against the then Marshall of Pennsylvania, who paid the proceeds of the prize into the Court of Admiralty, under an order of the Judge, and with the sanction of the Legislative and Executive authority of the commonwealth, as appears from the records of that period. It being incumbent on the state, under these circumstances, to indemnify the Marshall, I have directed the suit to be defended on account of the public, and the documents will be laid before you, that such further steps may be taken upon the occasion, as your wisdom and justice shall devise and approve.

The appearance of a malignant and contagious fever in Penn-street and its vicinity, as the time of your assembling approached, induced me, Gentlemen, to convene such of the members as could conveniently attend, that they might be apprised, from the best sources of information, of the facts relating to the subject; but a variety of reasons occurred to render it improper on the part of the Executive alone to pursue any step, that might prevent your meeting at all, or even change the ordinary seat of the Legislature, without the previous authority of a law. I anxiously hope, however, that

the precautions which have been taken, and the favorable temperature of the season, will enable us speedily to remove every cause of apprehension: And that you may, from time to time, possess authentic accounts upon the subject, I shall direct the reports of the Health-office, and the communications of the College of Physicians, to be regularly laid before you.

But, under the impressions made by the calamity which threatens, you will naturally be disposed, Gentlemen, to invigorate, by every possible means, the police, for restoring and preserving the health of the city and its suburbs. The existing law has empowered the Inspectors to prohibit an indiscriminate intercourse with the infected quarter, to remove the sick, and to provide for their accommodation; and you will, doubtless, concur in thinking, that the emergency justifies me in having made arrangements for establishing camps on the neighbouring commons, as an asylum for such of the citizens as may wish to fly from the immediate sphere of contagion. For the outlines of a permanent plan, however, permit me to refer you to the report, with which I have been favored by the College of Physicians; a plan, which will, I am confident, be digested and matured by your wisdom, upon liberal and enlightened principles, adapted to an object so deeply affecting the tranquility, opulence and prosperity of our metropolis.

Gentlemen of the House of Representatives:

By the report from the department of accounts, of which copies will be presented to the Legislature, it appears, that to a balance of ninety-four thousand seven hundred and eighteen dollars and eighty-five cents, which was in the Treasury on the first day of January last, there has been since added a sum of one hundred and seventy-eight thousand two hundred and five dollars and fifty-one cents, the accumulative result of the

various sources of our revenue. During the same period, the disbursements for the public service, including the expense of the late session of the General Assembly, and the grant for the relief of our fellow-citizens in Savannah, have amounted to the sum of one hundred and seventy-six thousand four hundred and thirty-nine dollars and one cent; so that there remained a specie balance of ninety-six thousand four hundred and eighty-five dollars and thirty-five cents in the treasury, on the first day of the present month. It should be recollected, however, that this sum, and the growing revenues of the state, are subjected to very heavy appropriations, independent of the current charge for the support of government; and I trust that the next General Assembly (should your other avocations prevent an immediate investigation) will judge it proper to review the state of our finances, and to take the necessary precautions for preventing the public expenditure exceeding the public income.

The officers of accounts will submit to your consideration the ordinary objects for appropriation, which have occurred during the recess; but permit me particularly to suggest, that it may be proper to make a provisional grant for the use of the Health-office, lest the progress of the disease, which at present excites an alarm, should call for pecuniary aid more suddenly and more extensively than the powers of the Inspectors could supply it.

It will, likewise, I conceive, be an act of true policy, as well as of benevolence, to provide some means for employing and paying, in the public service, the indigent and industrious citizens, who may be deprived of the ordinary resources for the maintenance of themselves and their families, during the continuance of the calamity.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

The general information which has been received will not, indeed, permit me to flatter you with the hope, that the malignant and contagious fever to which I have just alluded has ceased to exist. It is, I fear, a melancholy truth, that the number of victims in the neighbourhood of Penn street, in Southwark, and in that part of the Northern Liberties, which is called Kensington, has undoubtedly increased in the course of the last week; and some cases, it is said, have occurred even in the interior of the city. I am aware, gentlemen, of the painful consequences of these public communications; but I have thought it an indispensable duty, in a matter of such moment, that every individual should have an opportunity to judge for himself, and to pursue the measures which his own ideas of security might suggest. To the Inspectors of the Health-office, however, as more intimately acquainted with the state of the various parts of the city and its suburbs, I have implicitly confided the task of devising regulations, to check and prevent the progress of the contagion; and you will perceive by the Proclamations which I have issued, at their earnest request, that whenever they have thought it necessary to ask my aid, their plans have received the full support of the executive authority. Those plans, (which in most points coincide with the opinion of the college of Physicians) certainly contain arrangements that will affect the feelings and the interests of individuals; but our fellow-citizens will perceive, with their usual candor and good sense, that on occasions like the present personal considerations must be superseded by an attention to the welfare of the whole community; and it is a great consolation to reflect, that the power is exercised by men chosen by themselves for the purpose; by men, whose duties expose them to extraordinary danger, without an exemp-

tion from the operation of the rules which they establish; and by men, whose vigilance, judgment and humanity, entitle them to the public confidence and esteem.

THOMAS MIFFLIN.

Philadelphia, August 29th, 1797.

To the Assembly stating the Governor's objections to a bill entitled "An Act to regulate the General Elections held within this Commonwealth."

Gentlemen:

I HAVE CONSIDERED, WITH GREAT ATTENTION, the bill, entitled "An act to regulate the general elections held within this commonwealth," and I now return it (having been prevented from returning it at the last session by an adjournment of the General Assembly, on the day when it was presented to me) with a declaration, that I do not approve thereof, and with the following objections, as the ground of my disapprobation.

I. Because the bill not only operates, in some of its provisions, *ex post facto*, exacting a species of evidence to prove the elective rights of a certain class of citizens, which was not contemplated at the time when those rights were acquired; but from the extraordinary, and, in many instances, impracticable nature of the evidence itself, such citizens may often be deprived of their constitutional privileges, though they have never incurred a forfeiture, and are not chargeable with any negligence.

Thus it is provided, in the first section of the bill, "That no person who, according to the laws of the United States, is deemed an alien, shall be admitted to vote at any election within this commonwealth, unless

“he has been previously naturalized according to the
“direction of a law of the United States, passed the
“twenty-ninth day of January, one thousand seven hun-
“dred and ninety-five, or shall have been otherwise
“naturalized previous to that time, and shall produce
“a certification thereof, under the seal of the court
“wherein he has been naturalized, or, if otherwise
“naturalized before that time, then such certification,
“or other written evidence thereof, as from the nature
“of such naturalization, such person may reasonably
“be required to produce by any judge or inspector, or by
“any two electors, qualified to vote at any such elec-
“tion.”

Now, in order to shew that the objection, which I have stated, is well founded, it will be proper to take a retrospective view of the evidence of naturalization, which was originally established, for those cases that occurred before the subject had been regulated by any exercise of the federal authority.

The 42d section of the frame of government, established in the year one thousand seven hundred and seventy-six, declared “that every foreigner of good character, who comes to settle in this state, having first
“taken an oath or affirmation of allegiance to the same,
“may purchase, or by other just means acquire, hold
“and transfer lands or other real estate; and after one
“year’s residence shall be deemed a free denizen thereof, and entitled to all the rights of a natural born subject of this state, except that he shall not be capable
“of being elected a Representative, until after two
“years residence.”

On the thirteenth of January, one thousand seven hundred and seventy-seven, an act passed, obliging the male white inhabitants of this state to give assurances of allegiance; the form of an oath or affirmation was prescribed; and the Justices were directed to keep Registers of the persons so sworn or affirmed, and to trans-

mit the same to the Recorders of Deeds of the counties, respectively, who were directed to record them.

In the years one thousand seven hundred and seventy-eight and one thousand seven hundred and seventy-nine, other acts of a similar import were passed; but effecting no material alteration in the point of view, in which the subject now offers for consideration.

But on the thirteenth of March, one thousand seven hundred and eighty-nine, an act was passed to repeal all the laws of the commonwealth, requiring an oath or affirmation of allegiance from the inhabitants; and by the fourth section it was provided: "that nothing in this act contained shall be deemed to extend to, alter or affect the forty-second section of the frame of government of this commonwealth, but that every such foreigner as is in the said section mentioned, who shall come to settle in this state, shall, after one year's residence therein, be entitled to the full enjoyment of the rights and privileges therein specified, upon taking and subscribing an oath or affirmation, such as in the act is set forth. The Mayor, Recorder, each and every Alderman and Justice of the Peace, before whom such oath or affirmation should be taken or subscribed, was directed by the act to keep a fair register of the names and addition of the persons so sworn or affirmed, and to transmit to the Recorders of Deeds of the counties, respectively, lists of the names of the persons so sworn and affirmed, which lists were thereupon to be recorded."

It appears then, that from the seventeenth of June, one thousand seven hundred and seventy-seven, to the twenty-sixth of March, one thousand seven hundred and ninety (when Congress exercised the power of naturalization granted by the eighth section of the first article of the Constitution of the United States) the rights of citizenship were to be acquired, and the fact of naturalization was to be recorded, in the mode thus

designated by the forty-second section of the frame of government, and the laws to which I have referred; but neither the frame of government, nor any of those laws will be found to contain a positive provision as to the mode of establishing the fact of naturalization, in case the register of the magistrates and the records of the Recorders should be lost. By the bill under consideration, it is, indeed, contemplated, that every naturalized freeman, actually resident within the limits of the United States on the third of September, one thousand seven hundred and eighty-three, should stand on the same footing with natives, in the exercise of the elective right; but between the third of September, one thousand seven hundred and eighty-three, and the twenty-sixth of March, one thousand seven hundred and ninety, many aliens were naturalized, according to the laws in force during that period.

Under these circumstances, a recurrence must be had to general principles; and it is a general principle, that if a record is lost, the facts, of which it was intended to be the memorial, may be provided by parol, as well as by written evidence. No citizen can answer for the care and fidelity of the Magistrate or Recorder; nor can the Magistrate or Recorder guard against acts of Providence, and the various casualties, by which all human precaution may be defeated, and every monument of human art is liable to be destroyed. If exemplifications of the register or record are not produced, proof might reasonably, perhaps, be demanded, that the register or record is itself lost or decayed; but still it is the great rule of law upon this subject, that the best evidence only shall be required, which the nature of the case admits; or, in other words, that no evidence shall be received, which supposes that higher evidence remains in the power of the party; to extend the rule further would tend, in my opinion, to create endless perplexity, and to subvert justice, when nothing could

be attained but the gratification of a speculative hope, to guard against a possibility of deceit and imposition.

As, therefore, the only mode prescribed during the period to which I immediately refer, for perpetuating the evidence of naturalization, was the register or record of the public officers; as the individual who seeks to exercise the rights of naturalization could have no controul over those officers; and as the officers themselves cannot be responsible for accidents or outrages; I have ventured to question, whether it is reasonable or consistent with the principles of jurisprudence, that at the distance possibly of fourteen years, certainly at the distance of seven years, written evidence, and written evidence exclusively, should for the first time be demanded (and that too at the instance of any two electors) from the citizens, who have derived their title to citizenship under the very different circumstances which have been stated? This rigour would at once exclude all evidence, arising from the previous uniform exercise of the right of voting; from the oath or affirmation of the party himself; and from the parol testimony of any number of the most credible witnesses; it would, disfranchise some citizens, without the slightest imputation of blame; and, in effect, it would reduce many, who have for years performed all the duties, and enjoyed all the advantages of citizenship, to the absolute condition of aliens.

II. Because the bill will, in its operation, unnecessarily embarrass the exercise of the rights of suffrage, and may deprive some of the most meritorious citizens of the privileges of election.

Thus, by the ninth section of the bill, it is declared, that the alphabetical list to be furnished by the County Commissioners to the Inspectors of election shall contain "the names and surnames of all the male taxable persons, inhabitants within the respective counties who have been assessed for a state or county tax at

“least six months before that day, and not exonerated.” And by the eleventh section of the bill it is declared, that “no person of more than twenty-two years of age shall be admitted to vote, whose name is not inserted in the list of taxable inhabitants furnished by the Commissioners, unless two reputable electors, well known to the Inspectors, shall depose, that from his possessing taxable property, keeping a house, or other circumstances, they firmly believe the said person hath paid a state or county tax, assessed agreeably to the provision in the constitution, and this act, and that he resides, and hath resided at least seven months in the township, ward or district, in which he offers to vote; and the said person shall also depose to the truth of the same, or produce a receipt from the proper collector of the payment of a state or county tax, assessed as aforesaid.”

Now, the effects of these regulations are objectionable in a twofold point of view:—1st. Inasmuch as the accidental or negligent omission to insert any citizen's name in the Commissioners alphabetical list (a circumstance that has too often occurred) will condemn such citizen to the necessity of making proof of his right to vote, at the very moment when he tenders his vote, by two reputable electors, though in every other case, except treason, one reputable witness is competent to ascertain a fact, and though the fact may be known only to women, to persons who are not electors, or to citizens, who are exonerated from the payment of taxes. These witnesses, moreover, must be well known to the Inspectors, must know, from the state of the party's property, or other circumstances, his capacity to pay a tax (though in addition to this, his own oath, or the production of a collector's receipt, is imposed) and must attest his previous residence for seven months within the district in which he offers to vote, though actual residence at the time of voting would alone be required

if his name had not been omitted in the Commissioners alphabetical list. 2d. And in the second place, inasmuch as it excludes from enjoying the rights of suffrage all persons, who shall be exonerated, for any cause, from the payment of taxes. It is true, that the constitution of the state contains a declaratory article, that "in elections by the citizens, every freeman, of the age of twenty-one years, having resided in the state two years next before the election, and within that time paid a state or county tax, which shall have been assessed at least six months before the election, shall enjoy the rights of an elector": But this is manifestly an affirmative, and not a negative provision; it restrains the Legislature from denying to a person, so qualified the right of voting; but it does not preclude the Legislature from exercising the power of exoneration, nor does it assert, or imply, that the exoneration from taxes shall work a forfeiture of the rights of suffrage, the most valuable rights of citizenship. An exoneration, by the party entitled to receive, must be in this case (as in many cases that occur in private transactions) tantamount to a payment by the party liable to pay. If, indeed, a different interpretation were given to the constitution, how could elections have been held, or the advantages of representation have been enjoyed, by the inhabitants of those townships (forming in some instances a considerable portion of a county) which have occasionally been exonerated, by law, from any pecuniary contribution towards sustaining the public burthens? Since, therefore, the constitution does not render the payment of taxes an indispensable preliminary to the exercise of the rights of suffrage, the principles of public gratitude and political justice seem to require, that at least, some discrimination should be made as to the objects, whose exoneration from a pecuniary duty shall be thus accompanied by the deprivation of a civil franchise. The remembrance of those

scenes, in which the patriotism of many of the original public creditors, and the heroism of many of the veterans in our revolutionary war, were the causes of such penury, or infirmity, as must incapacitate them, at this moment, for yielding a pecuniary aid to the state, can never be obliterated; nor will it, I am confident, be deemed politic or just, upon reflection, that men, whose services and afflictions honorably entitle them to the exoneration contemplated, should, merely from that reason, be denounced, as unworthy of partaking in the administration of a government, which they have assisted to establish, at the hazard of their lives, or by the sacrifice of their fortunes.

THOMAS MIFFLIN.

Philadelphia, August 28th, 1797.

Address on the opening of the Assembly, 1797, after the adjournment occasioned by the Epidemic in Philadelphia.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THE ALARM WHICH OCCASIONED AN ABRUPT adjournment of the Legislature, has been justified by the melancholy catastrophe that ensued; but I rejoice that so early an opportunity occurs to congratulate you upon the perfect restoration of health to our metropolis. While, therefore, we indulge the feelings of sympathy and sorrow for the unfortunate victims of the calamity, we are called upon devoutly to acknowledge the beneficence of Providence, and to pay a tribute of gratitude to the meritorious citizens, who have been the instruments of that beneficence in mitigating the severity, and accelerating the termination, of the late contagious sickness.

From the various documents that will be presented for your information on this subject, you will collect the particulars of the progress and extent of the mortality. It is represented, in general, that during the months of August, September and October, there died, within the city and its suburbs, one thousand two hundred and fifty persons; that, of those persons, one thousand fell by the prevailing fever; and that the number of persons who escaped; after being affected by the contagion, may reasonably be computed at four thousand. Compared with the mortality of the year 1793, when Philadelphia suffered under a similar visitation, this statement is enough to evince the beneficial effects that have been produced, by the early evacuation of the city; by the asylum which the tents erected on the commons, afforded to an indigent class of fugitives; and by the previous institution of a public Hospital on the eastern bank of the Schuylkill. Of the activity and fidelity, likewise, with which the business of the Board of Health was transacted; of the judgment and philanthropy with which the legislative grant was expended and of the liberality with which individuals contributed, by personal as well as pecuniary aids, to alleviate the public distress; the testimonials are obvious to every eye, and, must be grateful to every heart.—The incidental expenses of the Health-office, are estimated at nineteen thousand dollars, and the gratuitous contributions (including the legislative grant) amount, it is believed, to thirty-three thousand dollars. With these resources alone, therefore, and surrounded by objects of desolation and dismay, during a term exceeding two months, the sick of this populous city have been humanely cherished—the deceased have been decently interred—the aged and infirm has been comfortably sustained—and, in the genuine spirit of benevolence, the industrious have been employed and rewarded. To a recapitulation so consolatory let me add, as a just

eulogium on the moral state of the community, that amidst all the temptations and opportunities to plunder and riot, which the crisis might naturally be supposed to create, the right of property was never more respected, nor public order more rigidly maintained.

Thus emerging from a scene of complicated calamity, it becomes our indispensable duty to contemplate the cause, and, (as far as human precaution can avail) to counteract and repel its future operations. It is, indeed, to be seriously lamented that a diversity of opinion, in relation to the origin and nature of the disease, should have raised an acrimonious spirit of controversy, disgraceful to Science and injurious to Society: but it is a sufficient satisfaction to know, that a difference in the modes of cure, can have no influence on the question of prevention; and, fortunately, in that respect, whether the disease has been imported from foreign countries, or was generated here, the several remedies proposed are not only perfectly consistent with each other, but always be most efficacious when employed together. Permit me then, Gentlemen, with a solicitude suited to the importance of the occasion, to recommend to your immediate attention, the plans which are detailed by the College of Physicians, by other learned Members of the Faculty, and by the Inspectors of the Health-office, in the reports that will be submitted to your consideration.

By these reports it will be found, that, in order to guard against the introduction of pestilential and contagious diseases, from foreign countries, the establishment of a Board of Health, restricted in point of number, so as to ensure responsibility; composed, in part of medical Characters, and excluding, entirely, persons whose interests are liable to be immediately affected by the laws of quarentine—is essentially requisite. The public buildings on State Island should be enlarged, so that separate accommodations may be appro-

priated for the healthy and the diseased, as well as places for fumigating and magazines for storing the cargoes of vessels; and a permanent public Hospital should be erected on the neighbouring commons, for the reception of any inhabitants of the city infected, or supposed to be infected, with a contagious sickness. From the beginning of July to the end of October, in every year, all vessels arriving from the Mediterranean, the coast of Africa, the West-Indies, and the continent of America to the southward of Florida, should be compelled to perform a fixed and effectual quarantine. The powers of the Officers employed in this department of our Police should be equal to all its objects, and to every possible emergency; and the punishment to be inflicted upon those who shall transgress the law, should be of the most exemplary nature.

For obviating all danger to the public health from any domestic source of contagion, an attention to the cleanliness of the city, its avenues, and vacant lots seems to be the only necessary care. The powers of the respective corporate bodies, which are constituted for the local purposes of the City, the Northern Liberties, and the District of Southwark, should, therefore, be rendered completely to establish and enforce the various regulations, which this object will suggest. But the interposition of the Legislature, will, also, be indispensable, in order to ensure, such a supply of water, through the medium of canals, as appears to have become essential to the general convenience, as well as to the health of the community.

In delineating this outline of the measures that are proper to be pursued, I am sensible, Gentlemen, that I have opened to your view, a wide field of labour and expense. But, when you reflect, that, probably, for want of such precautions, the business of the city has twice, within a period of four years been deranged; its population dispersed, and its prosperity endangered; you

will perceive, that, independent of every sentiment of compassion, upon a mere calculation of interest, the whole commonwealth is deeply concerned, that every effort of wisdom and finance should be made, to protect the seat of our Government and Commerce from the return of so dreadful an evil.

It is with peculiar pleasure, under the consideration which has been just suggested, that I advert to the progress of improvement and opulence in every part of Pennsylvania. The effects of a liberal and judicious policy, actuating and guiding the Legislature in the disposition of the public wealth, are discernible in the greater facility, with which the interior intercourse, by roads and rivers, is maintained; in the augmentation of the number of inhabitants; and in the flourishing condition of the various settlements that have been recently formed. The auspicious result, therefore, of our experience, at once, enables the state to defray the expense, and invites its Legislature to promote the accomplishment of every object of public utility. Besides those objects to which I have now referred, the institution of public schools, the reformation of the laws for regulating elections, the organization of the militia, the encouragement of inland navigation, and the improvement of roads and highways, merit particular attention; and will afford an ample scope for the display of patriotism and public spirit. The report of the agent of information (which I have directed to be communicated to you) satisfactorily exhibits the progress in executing the several contracts that have been formed for improving our roads and rivers; but it is a justice peculiarly due to the contractors for opening a canal at the falls of Conewago, in the river Susquehanna, publicly to announce the completion of their important undertaking; and to acknowledge from actual observation, that the work appears to be an honor to the state, as well as a lasting monument of their enterprize, skill

and integrity. The disbursements of the contractors have so far, indeed, exceeded the sum appropriated by law, that, on a principle of equity, as well as to excite an advantageous emulation, I am induced to recommend such a modification of their contract, as will allow the exaction of a toll from passengers, equal to the charge of hiring persons to attend the Locks, and to keep them in constant repair.

For many other topics interesting to our constituents and claiming a legislative interposition, permit me, Gentlemen, to refer, to the communications, which have been made on former occasions to the General Assembly. In the Judiciary Department you will find, that the want of the powers of a Court of Equity, has been deemed a radical defect in our system of jurisprudence: and the salaries allowed to the Associate Judges of the Court of Common Pleas of Philadelphia County (where business of great moment and difficulty constantly occurs) is manifestly inconsistent, as well with the official independence contemplated by the constitution, as with the reasonable compensation, to which every citizen is entitled for the services that he renders to the Public. The theory of our penal code (justly the pride of Pennsylvania) seems hitherto to be free from any rational objection. The superintendence and discipline of the criminal prisons and penitentiary houses, are, likewise, highly meritorious; and completely efficient. But, it is incumbent on me to declare, that the Debtor's Apartment presents a contrast of wretchedness and disorder, which is painful to every sense of humanity, and destructive to every principle of virtue. Let me earnestly, therefore, Gentlemen, entreat, that an immediate remedy may be applied to this encroaching grievance. The expediency of abolishing imprisonment for debt has repeatedly been under the consideration of the Legislature; but, whatever may be the issue of your deliberations on that point; the regu-

lation of bankruptcy, and a revision of the laws relating to Insolvent Debtors, are subjects which the present state of commerce and credit will not suffer to escape your attention. It will be necessary, likewise, to include in any arrangement, that shall be made on this branch of our police, some provision for the case of Debtors, who, after being arrested by civil process, may be committed for offences to the criminal Jail; so that those who have the custody of their persons, may be held responsible, with sufficient sureties, as well to the creditors, as to the public.

From the interesting subjects which appear upon your records, none will be thought more deserving of selection, than the state of the territorial controversy, in Luzerne, and the neighbouring counties. With respect to the controversy itself, nothing has occurred to change the opinion that was delivered in a former address; but, considering the extensive sale of public land, the rapid advancement of settlements, and the menacing collision of legal rights and equitable claims, in other quarters of the state, it becomes daily more important to the security of private property, and to the preservation of public tranquility, that your decision, in the present case, should evince the disposition and the power to assert the jurisdiction, and maintain the rights of our government.

There will be presented, Gentlemen, for your information, a copy of the contract which has been made for importing ten thousand stands of arms; and, as soon as the arrangement can be completed, you will, also, receive a copy of the contract for manufacturing a like number, agreeably to the directions of the act of Assembly. The report of the Commissioners for erecting the public building on Ninth-street, will shew the present situation of that work, the manner of disbursing the money appropriated for accomplishing it, and the balance that remains unsatisfied. You will, of

course, prescribe, during the sessions, some use for the building; since it cannot now be employed according to the original design.

In examining the account of our finances, you will find, Gentlemen, that from the first of January (when there was a balance in the treasury of ninety-four thousand seven hundred and eighteen dollars and eighty-five cents) to the thirtieth of November last, the public receipts have amounted to a sum of one hundred and eighty-seven thousand nine hundred and fifty-one dollars and twenty-seven cents; and that the disbursements during the same period, have amounted to the sum of two hundred and ten thousand nine hundred and fourteen dollars and sixty cents. The specie, therefore, at this time in the Treasury, amounts to the sum of seventy-one thousand seven hundred and fifty-five dollars and twelve cents: But it is proper to remark, that, in the course of the ensuing month, besides the supplies constantly flowing from the operations of the Land-office, the fees of public offices, and other sources of contribution, there will be a further accumulation of about eighty thousand dollars, from the dividend on the shares of the Bank of Pennsylvania, and about two thousand nine hundred dollars, from the principal and interest of the stock of the United States, the property of the state. You will, also, observe, that many of the items of expenditure are of a temporary nature; while many of the instruments of revenue become daily more productive, and our annual income will receive an addition of about thirteen thousand six hundred dollars, as soon as the period for paying interest on the deferred stock shall arrive.

Gentlemen of the House of Representatives:

This view of our finances must be peculiarly pleasing to you, on whom the duty of providing for the public expenditure, is, in the first instance, devolved by the

constitution. Though the existing appropriations are great; and the extraordinary as well as current expenses of the present year, will demand a considerable disbursement, the Treasury, you perceive, is abundantly replenished, and will justify a liberal attention to all the objects of public necessity and improvement, which have been submitted to your consideration. To those, let me add, that upon the representations which I have received, justice seems to require some augmentation of the public salaries that were fixed antecedently to the present government, and which have since become manifestly, unequal to the most economical support of the respective officers and their families.

Were it necessary to resort to any tax, in order to effectuate the purposes which are contemplated, it will be recollected, that in a free country, under a republican system, nothing can be more desirable, than that the citizens should be called upon for such pecuniary contributions, as will constantly excite their vigilance, in scrutinizing the administration and the expenses of their government. But, independent of this policy, and this resource, the fees on a variety of public instruments, and particularly on tavern, and marriage licences, might be conveniently and profitably increased. The case of marriage licences, indeed demands attention on other principles; for, the material alteration in the state of population and society since the passing of the act to prohibit clandestine marriages, must suggest the propriety of considering, whether it is longer safe to leave the authority of performing the marriage ceremony, and the penalty for transgressing the law, upon the footing on which they now stand.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

In a communication to the Legislature of Pennsylvania, whose citizens are eminently interested in the prosperity of the Union, and have always been conspi-

ciously attached to the independence and honor of the national character, the welfare of our sister states, and the maintainance of an harmonious intercourse with foreign countries, are topics, which can never be thought indifferent or improper. I cannot, then, conclude this address, without offering you, in both respects, a cordial congratulation. The natural resources of the United States, and the industry of their inhabitants; the perfect enjoyment of civil liberty, and the general diffusion of useful knowledge; have produced a state of social happiness, which it has rarely been the fate of nations to attain, and which it can never be too zealously our endeavour to preserve. Hence, therefore, we must regard, with peculiar pleasure and solicitude, the measures, and the fair prospect that success will attend the measures, which, in the administration of the Federal Government, have been pursued, to rescue our commerce from depredation, to procure redress for the injuries that have been suffered, and to revive that amity with the French Republic, which, as it was coeval with our independence, every generous American must wish to find congenial with the spirit and reputation of our political institutions.

To establish those institutions upon a genuine republican foundation, was the great object of our revolutionary contest: and, I trust, Gentlemen, that we, that our posterity, will never behold the calamitous day, when, by insidious machinations, or by open force, so glorious a foundation shall be undermined or overthrown.

THOMAS MIFFLIN.

Philadelphia, December 9th, 1797.

To the Assembly transmitting a memorial of the Managers of the Pennsylvania Hospital.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO LAY before you the memorial of the Managers of the Pennsylvania Hospital; and I take this opportunity to recommend the institution to the patronage of the Legislature, as deserving public support upon the best principles of policy and benevolence.

THOMAS MIFFLIN.

Philadelphia, 6th January, 1798.

To the Assembly concerning an application from the Agents of John and Richard Penn for the surrender of certain title deeds, etc. of the late Proprietaries.

Gentlemen:

I HAVE THOUGHT IT PROPER TO REFER TO your consideration, an application which I have received from the agent of John and Richard Penn, and the consequent opinion of the Attorney General, respecting the surrender of certain title deeds and other muniments of the private estate of the late Proprietaries, now deposited in the public offices of the commonwealth; and I recommend, that a legislative sanction should be given to the subject of this application.

THOMAS MIFFLIN.

Philadelphia, March 26th, 1798.

To the Assembly transmitting certain documents.

Gentlemen:

A COMMUNICATION FROM THE JUDGES OF the Supreme Court will be presented with this message for your consideration; and notwithstanding the late period of the session, I trust you will

deem it expedient, to remedy the defect in the administration of Justice, which arises from the cause that they have suggested.

I take this opportunity, likewise, to transmit certain documents respecting the Indian Konkapot, and to renew the expression of my solicitude, that an efficient system for regulating the Health-office may be established before your adjournment—I am persuaded that the importance of this subject, and the approach of the season of danger, from the introduction of contagious diseases, will sufficiently justify this repeated claim for your attention.

THOMAS MIFFLIN.

Philadelphia, March 30th, 1798.

Opening Address to the Assembly.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

IT IS AGAIN MY MELANCHOLY TASK TO DIRECT the attention of the Legislature to the fatal effects of the contagious fever, which, during a short period of five years, has thrice, with encreasing malignity, afflicted the city and suburbs of Philadelphia. Early in the month of August last, its appearance being discovered and announced, the dispersion of the citizens became more immediate and more general, than on either of the preceding occasions. The public hospital was instantaneously opened; and arrangements were promptly made for the removal of the sick, the interment of the dead, and the succour of the poor. The ravages of the disease, however, seemed at one time, to menace the total depopulation of the city, so that flight presented the only probable means of

safety: And that this resource, likewise, might not be wanting to the most indigent, and the most helpless classes of our fellow-citizens, two encampments were, successively, formed in the adjoining fields, whither those descriptions of the inhabitants of Philadelphia were gratuitously invited to repair, as to an asylum, affording a commodious shelter, and a competent support. But, notwithstanding these judicious and benevolent regulations, the consequent diminution of the number of people exposed to the contagion, and the generous assiduity of the Physicians, who continued to prosecute their professional labours within the infected scene, the nature and extent of the calamity will long remain to be deplored. Before the hand of Providence, in its mercy, allayed the affliction, which, in its wisdom, had been dispensed, the victims, suddenly snatched from the various avocations and enjoyments of life, are deemed, according to an authentic computation, to amount to three thousand six hundred and forty-five persons, besides those who died in the country. A numerous train of widows and orphans, (whose sad survivorship the public patronage can alone render valuable) must, for years, exhibit a spectacle to excite the sympathy, and exercise the compassion, of every phalanthropic mind. The opulence of our metropolis, too, has sustained an incalculable loss, by the suspension of its commerce and its arts; the obstruction of public business, and the derangement of monied institutions: And, in fine, the general prosperity of the state will be immediately endangered, unless the resources of public wealth and wisdom, as well as the exertions of private industry and virtue, shall be seduously applied, not merely to repair the injuries that have been already suffered, but to avert, as far as human agency can avail, the recurrence of so awful a visitation.

In depicting this view of the recent calamity, I confess that I am considerably influenced by a painful reflection, that the precautions, which experience, policy, and humanity dictate, have hitherto been unfortunately overlooked or inconsiderately neglected. The records of the General Assembly will now, however, disclose to you, with irresistible force, the plans which have been submitted, at different times, to the consideration of the government, for more effectually preventing the generation, introduction and propagation of pestilential diseases: And, I am confident, that the liberal sentiments of our constituents, in perfect unison with your own, have prepared you to adopt and enforce, among the earlier acts of legislation, every measure, which the learning of the Faculty has devised, the successful projects of other countries shall recommend, and the authority, or treasure of the state can accomplish, in the contemplation of an object, so momentous and interesting. It is true, that the institution of a Health-office for the security of our port and capital, may, in some respects, be regarded as a regulation of commerce; and the regulation of commerce, together with its fiscal emoluments has been constitutionally assigned to the federal government: But, the power thus assigned must be deemed concurrent, in the present instance, in order to reconcile it with the paramount principle of self-preservation; and as the domestic misfortunes of Pennsylvania, were imbittered during the late crisis by a reciprocal sympathy for the similar sufferings of our fellow-citizens in New York, Boston, and other cities of the continent, we may fairly anticipate, from the wisdom and justice of Congress, that harmonious co-operation, which can alone pervade the jurisdiction of the Union, and render the municipal system of an individual State completely efficacious.

To you, then, Gentlemen, as impartial and enlightened guardians of the lives and interests of the whole community, the citizens of Philadelphia, emerging from a state of complicated misery, anxiously and emphatically appeal. Wasted and depressed with actual sufference, they claim from your bounty, the immediate aid of a pecuniary supply, to defray the extraordinary charges which have been unavoidably incurred, as far as the exemplary and unrivalled benevolence of private individuals (here, and in other States) has left those charges undefrayed. Impressed with a just sense of the regular and meritorious conduct of the poor of every description (notwithstanding the temptations and opportunities which obviously occurred for pillage and riot,) and trembling at the wretchedness with which the inclemency of the season is pregnant, they also implore you to extend your beneficence to the indigent, the infirm, and the forlorn, during the severity of the present winter. But, above all, for the honor of the State, as well as for the preservation of themselves and their posterity, they confidently hope, (as I have already intimated) that, under your auspices, an adequate appropriation of the public wealth, and an energetic reformation of the public police, will actually redeem the reputation of our climate, and rescue our metropolis from the desolation, which, at this time, unhappily obscures the splendor of its prospects. To an appeal thus made, no generous mind will allow the suggestions of a parsimonious policy to reply; no enlightened Legislator will oppose arguments extracted from peculiar interest, or local discrimination. The ordinary provisions of the law, indeed, are applicable only to ordinary cases; but the duties of humanity are as various, and as diffusive, in their obligation, as the incidents, exigencies, and misfortunes of life. The law of Pennsylvania, imposing on each district the separate charge of maintaining its poor, cannot, reasonably,

therefore, be supposed to embrace the instances of poverty and distress that unexpectedly arise from a national calamity—from such a calamity as we are now doomed to deplore. But that fundamental law of society, which prescribes to its members, a mutual participation in the good, or ill, of sublunary events, as the stongest cement of political institutions, demands from the remotest county of the state, a contribution on the present occasion, for which a vicisitude, not uncommon, may hereafter require from the inhabitants of Philadelphia an ample remuneration. Permit me to add, that, upon similar principles, (every part of the state partaking of the inestimable advantages of our commerce) every part of the state is, alike, interested, as well as bound, to furnish its proportion of the general means, for ensuring the safety, and promoting the prosperity, of the only port in which the business of our commerce can be transacted. Besides, the preservation of the public health, whether with a view to the Lakes, or the Atlantic, seems naturally to be a subject of common care and expence; since, if any avenue is left open for the approaches of contagion, it is impossible to foresee, and it will be difficult to controul, or counteract, the direction, or the extent, of its course.

Actuated by these considerations, and remembering as an honourable precedent, the liberality of a former General Assembly towards the capital of a sister State, I have directed to be laid before you, a report of the receipts, expenditures and engagements of the Board of Health, and of the Guardians, of the Poor, with a perfect assurance, that you will cheerfully assign a competent fund to liquidate this interfering account. It is impossible, I think, to examine its several items, without indulging the liveliest emotions of admiration and gratitude; without yielding a tribute of heartfelt veneration and applause to the vigilance, for

titude and philanthropy of the Managers of the public Hospitals, and of the Superintendents of the Volunteer Encampments; and without deriving from so signal a display of national sympathy a sentiment of patriotic pride which may serve to alleviate the pressure of every personal sorrow. For all the objects of expence in the city, the suburbs, and the encampments, you will find that there has been disbursed, with as much system and oeconomy as the circumstances of the case would admit, an aggregate sum of about 86,000 dollars. The original funds, which the law allows for the uses of the Health-office, (producing about a sum of 28,000 dollars) were soon, indeed, absorbed; but the auxiliary of gifts and loans established ready and certain resource, commensurate with every pecuniary demand which the crisis had created. Thus the gratuities in money, have mounted to 21,251 dollars; the contributions in provisions, clothing, and furniture, may be valued at 15,000 dollars; and a loan of 29,000 dollars was obtained, upon a confidence, that the Legislature would, at the present session, direct a reimbursement. In short, the documents, from which this summary is extracted, will shew, that after encountering, at the personal hazard, and in a great measure, at the private cost, of volunteer individuals, the horrors and burthens of a three months pestilence, there still remains to be reimbursed, the loan of 29,000 dollars, and with that amount it is now proposed, upon social and equitable principles, to charge the public treasury.

But, Gentlemen, recurring to the yet more important subject for legislative deliberation, permit me to delineate the outline that seems to result from the various views which have been taken by different characters, under one general conviction, however of the necessity of providing, without a day's delay, for the future safety of the city. The variance of opinion,

respecting the origin of the late contagion, has, apparently, subsided into an unanimous sentiment, that such an evil may be equally imported from a foreign climate, and generated in our own. The first obvious remark, therefore, occurs, that our police will always be defective, unless it guards equally against both the sources of infection. For protecting the city from external danger, a system radically new must be introduced. A Board of Health should be constituted, of disinterested, and, in part of medical characters. The number of their officers should be increased, their powers should be enlarged, and their duties should be permanent. A lazaretto should be established on State Island (or rather, if practicable, on a more distant site, to be procured upon this or the opposite shore of the Delaware) to accommodate, in separate apartments, the sick, the convalescent, and the suspected. Magazines should be provided for securing cargoes, and proper stoves should be erected for fuming goods and merchandize, supposed, in any degree, to be contaminated. Though it should be deemed too injurious to the mercantile interests of the state, to interdict, during the summer months, all trade with those islands and countries, which are usually obnoxious to contagious diseases, it will, at least, be indispensable, for that season, to prohibit any vessel employed in so hazardous an intercourse, from approaching nearer to Philadelphia, than the station of the Health-office. Vessels arriving at any season, from an infected place, should, with their cargoes, be carefully cleansed and aired; and the duration of the quarantine to be performed, should be fixed and prescribed by law. Every transgression of these regulations should be denounced as highly criminal, subject to the severest penalties, which, should never, in any instance, be mitigated or remitted.

To avert the danger of contagion, proceeding from

a domestic origin, the great, the indispensable, requisite, is an adequate supply of water for the various uses of the city. It must be perceived, that the general condition of the springs which, at present, yield all the water that is consumed in Philadelphia, is far from affording, either in quality or quantity, what health and cleanliness demand. But, fortunately, the remedy for this growing inconvenience, is not less obvious and certain, than the necessity for immediately resorting to it; since the streams of the Schuylkill and Whysahicon may, in a short time, be forced to flow through the streets of the city, at an inconsiderable expence of labour and money, compared with the important benefits which the operation would inevitably produce. Inspired, therefore, by the same spirit of public improvement which your predecessors have, in other respects, displayed; and stimulated by the example of our sister states; I am confident that this great work, will be undertaken and prosecuted with zeal, liberality, and success. The appointment of commissioners to ascertain the most advantageous plan; the designation of an active fund (whether by a direct grant, by the imposition of a tax, or by creating a redeemable subscription stock, bearing an annual interest) for executing that plan; and an extension of the corporate jurisdiction to this, as well as, generally, to every subordinate object, connected with the health, order, and tranquility, of the city, are incidental regulations which will, naturally, suggest themselves in the course of your deliberations upon the principal subject.

I will not, Gentlemen, apologize for the length, or the solicitude of the representation with which you have been thus addressed. The period is almost arrived, when the constitution of the state ordains that our intercourse as legislative and executive functionaries, shall terminate: and it is natural that I should

wish to secure, for the last act of my administration, the pride and the solace of contributing to rescue our country from the greatest physical evil, to which it has ever been exposed.

The sentiment, that I have just delivered does not lose its influence, when proceeding to lay before you, Gentlemen, the general state of the Commonwealth, I feel an earnest desire, that your attention may be devoted during the existing session (the last, I repeat, in whose business I shall probably have the honor of participating) to those other objects of public improvement, which, notwithstanding the judgment and diligence of your predecessors, are still wanting to the operation and energy of our political system. Though my former communications contain a specification of the objects alluded to, you will indulge me in selecting, for their superior importance, the organization of the militia, and the amendment of our laws for the administration of justice. To a free people, deserving a continuance of the blessings of freedom, there can be nothing more precious than the exclusive and untroubled possession of the power to protect their civil rights and institutions from every species of violation;—a power whose exercise shall be the privilege of all, not merely the profession of a part of the community. In a state of national war, indeed, the auxiliary of a standing army has become an unavoidable resource; but, whether in a state of war or of peace, those who have willed the existence of a government, must be the surest, safest, guardians of its legitimate authority. Hence the precautions, which are incorporated, upon this subject, with the supreme law of the confederation; and hence that public spirit, which at the present period animates the militia of Pennsylvania, and is cherished, I am persuaded with unabated ardor, in every district of the union. The recent military preparations of the federal government, in the prospect

of a foreign war, required the co-operation of the militia, and my best efforts have been employed to embody and discipline the quota of this state. Though the contract for the purchase of imported muskets remains unexecuted, for the reason formerly assigned, a partial supply from the domestic manufacturers (whose progress will be the subject of a separate report) has enabled me to arm several of the volunteer corps, upon the principle of distribution, recognized by the act of Assembly. The other equipments have been procured at the expence of the individuals; and I can generally, assure you, that the laudable enterprize and emulation of our fellow citizens, summoned to the service of their country, have hitherto supplied most of the defects of our militia law. You will now, however, be constrained by the urgent inducements, arising from the state of our national affairs, to remove those defects; and particularly to introduce efficient regulations for enrollment and discipline. To the measures already adopted for obtaining arms, it will be expedient to add, a provision for furnishing the respective corps of artillery with field pieces; a provision for establishing magazines of ammunition, and camp equipage, in convenient stations; and a provision for defraying the miscellaneous contingent expences of the militia, as well as for allowing a more adequate compensation to those officers, whose duties require their constant attention. A people thus trained, and thus prepared, can never fail to command justice and respect abroad, nor to preserve liberty and order at home.

The necessity of reviving our judicial institutions, becomes daily more imperious, from the accumulation of business, which (independent of the casualties, that have lately affected the Courts of Justice, in common with every other public department) is a natural consequence of the increase of population, the extension of our trade, and the improvement of our soil. I will not

presume, Gentlemen, to detail all the modifications, of which the existing system is susceptible; but it is too obvious to escape remark, that the number of the Judges of the Supreme Court, as well as the power of the Court in matters of Equity, ought to be augmented; and that the grievance of compelling suitors from the remote counties, to resort for the benefit of all appellate process, as well as to attend for the ultimate decision of their causes, at the seat of government, ought to be redressed. The incidents that occurred during the affliction of the city, will, likewise, suggest the expediency of a general regulation, empowering the Judges of the Supreme Court, on every similar emergency, to hold the terms in any part of the county of Philadelphia; and to direct the Sheriff (whose humane interposition, on the late occasion, will, undoubtedly receive legislative approbation and indemnity) to remove his prisoners from any pestilential danger, to a place of safety. In other respects the condition of unfortunate debtors (while our jurisprudence shall continue to tolerate the rigorous process that produces it) will attract a compassionate attention: but the manifest want of accommodation in the apartment now allotted to them, induces me, in particular, to recommend the establishment of prison bounds; as an alleviation, which may not only be rendered perfectly consistent with every claim of private right, and every principle of public policy, but which has long been sanctioned by the institutions of several of our sister states, as well as by the practice of that country from which the law of imprisonment for debt was itself derived.

I am not aware, that our Penal Code requires any material alteration, with a view to its municipal effects; except, that it is always inconvenient, and sometimes oppressive, that a culprit, who has been convicted at a Court of Oyer and Terminer, held by the

Judges of the Supreme Court, in any distant county, should be brought to Philadelphia to receive his sentence. But reflecting upon the state of society, and knowing how essential it is to the peace and stability of our government, that the administration of justice should be preserved from every taint of party, from every suspicion of influence, I should not acquit myself to our constituents, were I to neglect this opportunity (when I believe, no reasonable cause of complaint has occurred) to advise, with a view to our federate association, a change in the mode of returning jurors, for the presentment and trial of offences. By the act of Congress, the mode practised in the individual states, respectively, upon this subject, is adopted by the United States; and therefore, as in Pennsylvania, the Sheriffs are constituted the returning officers for the State Courts, the Marshall of the district becomes, of course, the returning officer of the Federal Courts. The Sheriffs of Pennsylvania, however, are chosen by the people; they hold their offices, independently for a definite term; and that term being expired, they cannot be re-elected till several years have afterwards elapsed; whereas the Marshall holds his office by the appointment, and simply, during the pleasure of the Chief Magistrate of the Union; there is no principle of rotation to restrain his eligibility to the same station; nor is there any principle of disqualification to exclude him from a cotemporaneous enjoyment of all the other favors of the Executive. The bare statement of these circumstances, sufficiently points out the mischief that may be apprehended (a mischief against which many, if not all, of our sister states are guarded) and it is left, implicitly, to your wisdom, to discover and apply a remedy.

The Wyoming controversy, to which, for several years, my legislative communications have anxiously adverted, continues to demand an exertion, on the

part of the government, to vindicate to its own authority, and to protect the violated rights of its citizens. Every symptom of irresolution, every hour of procrastination, must, inevitably, increase the difficulties to be encountered: And, permit me to remind you, Gentlemen, that the situation of the distant districts of Pennsylvania, involving, in numerous instances, a dangerous condition between the legal titles of patentees, and the equitable claims of actual settlers, will furnish an impressive warning against the establishment of a precedent for spurning the lawful jurisdiction of the state, with triumphant impunity. It is still, however, I believe, practicable to terminate the contest in Wyoming, by the grant of a reasonable equivalent, in money or land, for the claim of either of the parties; but, whether you shall be pleased to pursue that course, or to adopt a coercive system, I anticipate an acquiescence in the opinion, that your resolution should be equally prompt, explicit and decisive, Prudence, likewise, dictates, that some precautions should be taken, in relation to the prospect of similar disputes, in other parts of the state. It is time, that an entire draft should be returned into the Land Office of the various surveys, which the deputy surveyors have made in their respective districts; that the vacant public lands should be ascertained; that all persons claiming lands by virtue of warrants, or settlements, should be required to exhibit a specification of their claims; and that a mode of payment, or commutation, should be prescribed, for the case of unsatisfied warrants. Connected with this view of our territorial policy, it may be proper to observe, that the present process for the sale of unseated lands, to discharge the county taxes, may be perverted (and it is to be feared, has already been perverted) to the purposes of an unjust and pernicious speculation. A reasonable notice,

either personal, or by advertisement, should, surely, be given to the absent proprietors, before their property is exposed to auction; and it would, perhaps, be even more advantageous to the public, than to the individuals, if an arrangement could be made, authorizing a payment of the county taxes, into the hands of the State Treasurer.

The institution of public schools, in obedience to a constitutional injunction; a revision of the laws for regulating elections, and for relieving the poor; the revival of a bankrupt system; and the other general objects of the legislative trust, which have been already enumerated, form so great a mass of important business, that I shall carefully avoid every unnecessary addition to its pressure, during the continuance of the present session. Reviewing, indeed, the voluminous state of our private laws, and forming a just estimate of the value of your time, I am prompted to intimate a wish, that you would consider the expediency of vesting the county courts with that jurisdiction, for regulating ferries, mill-dams, and fisheries, and even for erecting election districts, the exercise of which has hitherto been so laborious and so expensive to the Legislature. A report from the Land Offices, on the situation of their department; a report from the Agent of Information, on the progress in the improvement of our roads and inland navigation; and a report from the officers of accounts, on the state of our finances, will be seasonably presented to you. I have, also, directed to be laid before you, the propositions for an amendment to the federal constitution, which were lately adopted by the Legislatures of Massachusetts and Connecticut, and have been transmitted to me by the Governors of those states, with a view to obtain the concurrence of Pennsylvania. This expression of opinion, by two such respectable members of the confederation, upon an interesting subject of national

policy (the privileges to be allowed, or denied, in the case of citizenship acquired by naturalization) is entitled to a serious consideration; and will, undoubtedly, receive all the co-operation, which you shall deem compatible with our domestic prosperity, and the paramount, immutable, obligations of justice.

From the view that will be exhibited of our finances, you will perceive, that to a specie balance of 68,059 dollars and 11 cents, which remained in the treasury on the first of January, 1798, there has been added, from the various sources of public revenue, 153,347 dollars and 45 cents, making together the sum of 221,404 dollars and 56 cents. The disbursements during the current year, for the expences of government, the redemption of the unfunded debt, the payment of pensions, the purchase of arms, the improvement of roads and rivers, and various other subordinate objects of appropriation, have amounted to the sum of 180,438 dollars and 93 cents; so that, on the 1st of November last, the surplus in the treasury amounted to 40,985 dollars and 63 cents, and of this surplus, a great proportion will, probably, be unexpended, at the commencement of the ensuing year.

For the services of the ensuing year, however, you have already been sufficiently apprised, that a very considerable supply will be requisite. The ordinary and contingent expences of government, may be estimated at the sum of 140,000 dollars; the incidental expences of the militia will, at least, amount to 7,500 dollars; and the pension list absorbs an annual sum of 5,000 dollars. But to these charges there must be added, the extraordinary demands for the relief and security of the city, as well as a proportion of the balances of unsatisfied appropriations, which amount, for the redemption of the state debt, to 50,215 dollars and 63 cents; for the payment of the bills of credit emitted in the years 1781 and 1785, to 21,365 dollars and 11

cents; for the improvement of roads and rivers to 30,890 dollars and 98 cents; and for the purchase of arms to 219,097 dollars and 58 cents. You cannot, therefore, I think, satisfactorily compute the aggregate of the funds, which it is now necessary to provide for the public use, at less than a sum of 200,000 dollars.

Under these circumstances, it affords me peculiar pleasure to inform you, that the recovery of the notes and cash, of which the bank of Pennsylvania had been robbed, (in a manner, and at a season, that will not admit of any imputation upon the integrity or vigilance of its officers) affords a critical assurance that there will be no abatement in the revenue arising to the state from the dividend on the stock of that institution. This source, therefore, may be expected to produce a sum of 80,000 dollars; and the interest on the stock of the United States, the property of Pennsylvania, will yield a sum of 6,840 dollars. The fluctuating revenues, collected from the Secretary's office and the Land-office, the duties on sales at auction, the fees on writs, marriage and tavern licenses, court and militia fines, and the arrearages of the state taxes, will, probably, furnish 70,000 dollars; and these several sums, added to a surplus of 30,000 dollars, on which we may fairly calculate, as resulting from the receipts of the current year, establish an aggregate fund of 186,840 dollars.

Gentlemen of the House of Representatives:

The duty which now, more particularly, devolves on you, to devise ways and means for defraying the expenses of government, will be executed, I am confident, in a judicious and satisfactory manner. The difference between the amount of the demands for the service of the commonwealth, and the product of our existing revenues, is not, in itself, very material; but, still, to preserve punctuality in the performance of our public engagements, and to avoid embarrassment in our fiscal

transactions, you will deem it proper to ensure a receipt of money at the treasury, at least co-extensive with the prospect of expenditure.

The sale of certain city lots, which belong to the state, either as the original proprietor, or by escheat, and which have lately been valued at 35,000 dollars; the sale, or the rent, of the house erected by the state on Ninth street; and a moderate augmentation of the fees collected through the medium of the public offices; may be resorted to with ease and certainty. But, I confess, that it continues to be a favorite maxim in my theory of the administration of a republican system, that, whatever may be the wealth of a state, the charge of supporting its government should fall directly and individually on its citizens. The imposition of an adequate tax for the specific purpose, is calculated to produce vigilance in the people and œconomy in the magistrates; while the general treasure of the community is left to be employed, with greater effect, in works of public improvement.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

The very serious aspect, which the state of our national affairs has assumed, in relation to the republic of France, excites universal attention, and must, incidentally, affect the course of your deliberations. It was reasonable to expect, that the jealousy, with which belligerent powers have, at all times, analysed the conduct of a neutral country, would, in the progress of the present European war, expose the acts of our government to imputations of an illicit partiality; but it could not have been within the scope of a candid anticipation to predict, that France, to whom we were allied, even more by sentiment than by compact, would, under any delusion, wilfully violate the rights, plunder the property, and spurn the friendship, of a nation,

whose independence she had gloriously assisted to establish. Such, nevertheless, being the wonderful vicissitude, which a few years have produced, we are compelled, not only to supersede the attachment, founded in our gratitude for former services, by a strong sense of recent injury; but to extinguish, in an honest detestation of the abuse of power, that admiration, which the first efforts of the French revolution had inspired. In full refutation, therefore, of the calumnies, with which the American character has been insulted at home, as well as abroad, we behold a perfect unanimity in the resolution of the people, to maintain the dignity and the rights of our government, against the arrogance and the force of every foreign power. Relying, indeed, implicitly, on the wisdom and patriotism of those, to whom the federal authority is intrusted, still to avert, by every honorable means, the calamities of war, our fellow citizens are, every where, employed in active preparations to encounter the awful alternative, with energy and fortitude.

This state of the public sentiment, which bids defiance to every danger from external outrage, while our geographical position seems almost to place us beyond the sphere of foreign ambition, will, likewise, I flatter myself, have a salutary tendency, to restore the confidence and harmony of our domestic scene. * The spirit of party, intolerant and vindictive, has evidently raged too long for the peace and reputation of our country; —discolouring, on the one hand, the current of public transactions, and, on the other, undermining that equal exercise of the rights of private opinion, which is, at once, the proof and the preservative of a free constitution. But should the present fair and favorable opportunity be embraced (and it is peculiarly incumbent on every public agent to embrace it) to rescue us from these deprecated effects: If the principles of a mutual and merited confidence shall be seasonably dissemi-

nated, between the government and the people, and between citizen and citizen; if talents and merit shall be indiscriminately selected and rewarded for their intrinsic worth alone; and if, in short, the standard of political parties shall cease to be a measure for moral perfection;—then, Gentlemen, we may hope long to continue united and happy as a people;—free, independent, and powerful as a republic.

THOMAS MIFFLIN.

Philadelphia, December 7th, 1798.

To the Assembly with the Kentucky resolutions and respecting the Philadelphia prison.

Gentlemen:

IN COMPLIANCE WITH THE REQUEST OF THE Governor of Kentucky, I submit to your consideration sundry resolutions, entered into by the Legislature of that state, relative to certain measures of the general government.

This opportunity will, likewise, be taken to present a memorial from the Board of Inspectors of the prison of the city and county of Philadelphia; and I earnestly recommend an early and liberal attention to the interests of that institution—as an object of great policy.

THOMAS MIFFLIN.

Philadelphia, January 23d, 1799.

To the Assembly concerning roads and a public burial ground.

Gentlemen:

I HAVE DIRECTED TO BE PRESENTED TO YOU, a general report of the state of the contracts for improving the roads and inland navigation of the state.

This opportunity will likewise be taken to deliver a representation, that has been communicated to me, relative to the appropriation of a burying ground, for strangers, in the city of Philadelphia, which was formerly authorized to be made, but which has not been carried compleatly into effect. It appears to be just and proper, that the object of the representation should be complied with, but as a doubt occurs on the power of the Executive, permit me to recommend the subject to your consideration.

THOMAS MIFFLIN.

Philadelphia, February 28th, 1799.

To the Assembly concerning the insurrection in
Northampton County.

Gentlemen:

IT IS ANNOUNCED, BY A PROCLAMATION ISSUED by the President of the United States, dated the twelfth instant, that "combinations, to defeat the executions of the laws of the United States, have existed in the counties of Northampton, Montgomery and Bucks, in the state of Pennsylvania," that, in the judgment of the President, "it is necessary to call forth the military force, in order to suppress the combination aforesaid;" and that the President has "accordingly determined so to do, under the solemn conviction, that the essential interests of the United States demand it."

Though I have received no communication from the President, on this important occasion, yet it is my duty, as Executive Magistrate of Pennsylvania, to call your attention to the subject, that, if any measures ought to be taken, on the part of the state, to co-

operate with the Federal Government, they may be devised and authorized by the Legislature.

THOMAS MIFFLIN.

Philadelphia, March 14th, 1799.

To the Assembly approving an act for the removal of the Seat of Government of the State of Pennsylvania.

Gentlemen:

I HAVE THIS DAY, APPROVED AND SIGNED an act of the General Assembly, entitled, "An act to provide for the removal of the seat of the government of the state of Pennsylvania," and I have directed the Secretary of the commonwealth to return the same to the Senate, in which it originated.

THOMAS MIFFLIN.

Philadelphia, April 3d, 1799.

To the Assembly vetoing a health bill.

Gentlemen:

THE BILL, ENTITLED, "AN ACT FOR ESTABLISHING an Health-office for securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases," was presented, for my consideration, yesterday afternoon; and I take the earliest opportunity to return it with the following objection against its being passed into a law.

By the eighth section of the second article of the constitution, it is provided, that "the Governor shall appoint all officers, whose offices are established by this constitution, or shall be established by law, and

whose appointments are not herein otherwise provided for."

By the first section of the bill under consideration, it is declared, that "the Board of Health shall have power to appoint an Health officer and Quarantine Master and such other officers and servants as, from time to time, shall be found necessary to perform the several duties required by this act and their future regulations, and to remove any of the officers and servants by them appointed and appoint others in their places."

The offices of Health Officer and Quarantine Master it is proposed to establish by law; and as there is no special provision in the constitution for the appointment of such officers, I am of opinion, that it would be unconstitutional to vest the power of appointment in any other person or persons than the Governor of the commonwealth.

THOMAS MIFFLIN.

Philadelphia, April 11th, 1799.

Opening address to the Assembly—1799.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THOUGH WE MUST AGAIN UNITE IN LAMENT-
 ing the return of the contagious fever, that has
 for several years afflicted the city of Philadelphia
 and its suburbs, you will derive great consolation from
 a comparative abatement in the mortality of the dis-
 ease, as well as in the concomitant distresses and ex-
 penses.

By the report of the Board of Health, it appears that
 the whole number of interments within the afflicted

space, from the 10th of July to the 31st of October, did not exceed 1,276—193 cases occurring in the Hospital (into which 324 patients had, at different times, been admitted,) and the rest of the cases comprising 651 adults and 432 children. The pecuniary receipts of the Board from April to November have produced little more than a sum of 11,000 dollars; and the expenditures during the same period, for the permanent and ordinary, as well as for the extraordinary and casual objects of the institution, have only amounted to the sum of 12,318 dollars.

With this review, it would be unjust to omit an acknowledgement of public obligation, for the vigilance, circumspection, and œconomy of the Managers and other officers of the department. Instructed and stimulated by such an example; aided by the judicious and liberal plans of the Corporation of Philadelphia; for watering and cleansing the city; and patronized by a wise and beneficent Legislature, in projecting and enforcing every precaution for the safety of the port, the successors to this important trust, will, I am confident, be enabled, in future, to suppress all unnecessary alarm, and to avert the danger of pestilence, or contagion, by whatever avenue it may threaten to approach.

Of the various objects contemplated by the existing laws, none seem to me, gentlemen, more interesting, than an amicable termination of the controversy, which has too long subsisted, for the honor and safety of the state, in relation to the lands lying within the boundary of Pennsylvania, but claimed under a title from Connecticut. The Pennsylvania claimants have promptly and cheerfully acceded to the terms prescribed by the act of Assembly, but I am sorry to add, that on the part of the Connecticut settlers, there has been no intimation, of an intention or disposition, to embrace the offered compromise. The subject must,

therefore, be resumed in the course of our deliberations; but if you should determine yet longer to manifest the forbearance and liberality of our government, it will, at least, be expedient partially to suspend the operation of the law, for the limitation of actions to be brought for the inheritance, or possession, of real property, so that the occupants of the disputed soil, may not derive a legal advantage over their opponents, from a mere lapse of time.

The preliminary steps have been taken, for disposing of the several tracts of land adjoining the towns of Erie, Franklin, Warren and Waterford, and for laying out the several highways directed by law. The reports of the Commissioners appointed to superintend those specific objects, as well as the report of the agent appointed, generally, to examine the execution of the various contracts relative to roads and rivers, will be seasonably communicated to you. It has, indeed, been uniformly, a favorite act, in the discharge of my Executive duty, to recommend improvements of this nature, to the attention and bounty of the Legislature, as the means, not only of advancing public and private opulence, but of extending the sphere of social intercourse, combining the territorial interests of the state, and diffusing throughout the community, the blessings of confidence and concord.

In proceeding to advert to subjects, which, at this time, demand the Legislative interposition, a grateful reflection will naturally arise, on the wisdom, the labors and the merit of your predecessors. Since the establishment of our present Constitution, we have been extricated, on the one hand, from the pressure of a heavy debt, accumulated during the revolutionary war, and on the other hand, a source of revenue was opened which, independent of taxation, has proved, for many years adequate to all the pecuniary objects of our Government. The penal code of Pennsylvania,

which even, as an experiment excited the admiration of foreign nations, as well as of sister states, has been rendered, by unquestionable success, the object of their imitation. A system of jurisprudence, at once enlightened, liberal, and efficient has been introduced and cultivated: Works of public utility have been undertaken with judgment, and prosecuted with ardor. In short, under the auspices of the Legislature thus displayed, the general face of the country has been enlivened and adorned; industry, operating in all its channels, has developed the stores of commercial and agricultural wealth, while seats of arts and sciences have been every where erected.

Where so much has been done, little can remain, on general principles to do. In the detail, however, practice and experience, the constant fluctuation of human affairs, and the progressive enlargement of political views, will, inevitably, suggest something to modify and something to ameliorate.

For instance, in the Judicial department, the number of the judges of the Supreme Court, is obviously insufficient for performing the duties of their station; while the High Court of Errors and Appeals, since the late organization of the Circuit courts, may be considered as an expensive and unnecessary institution. Nor must it be overlooked, that the present mode of returning Jurors, with relation to the jurisdiction of the Federal courts, is radically wrong; and may, in its application, be rendered partial and oppressive. It is a principal of the constitution of the Union, as well as of Pennsylvania, that the departments of government should be preserved distinct and independent; but is not this principle violated, whenever an officer, holding his office at the will of the Executive authority, nominates the persons who shall decide judicial questions, arising on prosecutions for offences against the State; I rejoice in an opportunity of again introducing this

subject to your attention, before any just cause of complaint has occurred; and I am persuaded that without regard to what may be the state of parties now, or hereafter, such cautionary regulations will be adopted, as an impartial and enlightened policy shall dictate and approve.

The law respecting General Elections presents, likewise, several topics for revision and amendment. The right of voting is thought, in some instances, to be imperfectly defined, and a provision is certainly wanting to prevent a deprivation of the elective franchise, where any citizen has been accidentally omitted in the assessment of taxes, or an assessment may not have been made within such periods, as would furnish a general opportunity of complying with the terms of the constitution. It may be added as a wish, that the precautions pursued in other countries, for withdrawing the military from the scene of popular elections, should be here introduced; but this, perhaps, is a point that lies properly within the jurisdiction of Congress, and to the wisdom of that honorable body it may be implicitly referred.

The efficacy of the martial law, which was passed at the last session, cannot yet be fully ascertained; but the patriotic ardour, that breathes throughout the state, affords an honorable assurance, that every effort will be made by our constituents, to render the militia the surest (as it must always be the safest) instrument, for the support of national independence, and the preservation of domestic order. The pattern standards for regimental colours have been procured and deposited, agreeably to the directions of the act of Assembly: and during the session you will receive a general statement of the number and distribution of the arms, which have been manufactured for the public use.

In recurring to the constitution, gentlemen, you will find that it is necessary before your adjournment, to pass a law for making the septennial enumeration of the taxable inhabitants of the state, prescribed by the 4th section of the 1st article: And permit me to remind you, that another constitutional injunction, the establishment of public schools for the gratuitous instruction of the poor, still remains inoperative and unexecuted. But there is nothing more important to the political rights and interests of the people than their participation in the choice of a President and Vice-President of the United States, through the medium of Electors, appointed in such manner as the Legislature may direct. Your legislative duty will, therefore, require an early attention to this subject; and I trust, that resorting either to the precedents already established, or to your more immediate knowledge of the public opinion and wishes, no difficulty will occur in adopting the mode of election, that will be most satisfactory to our constituents, and best adapted to the purpose contemplated.

For a period of almost ten years, during which the expenses of government have been unavoidably great, and the appropriations for public improvements have been liberal, beyond all former example, let it be repeated that the people of Pennsylvania have been exonerated from every species of state taxation. But the arrearages of taxes antecedently imposed, the product of the land-office and other temporary, or mutable, sources of supply, ceasing, in the usual degree, to enrich the public treasury; while the duties on sales at auction are pledged for the payment of a specific debt, and the removal of the seat of government considerably diminishes the amount of fees for the attestation of the public seals; it has, at length, become indispensable to the credit and operations of the state, that a small, but certain contribution should be

collected from our constituents, in aid of the permanent revenue.

The balance of 38,889 dollars and 68 cents, which remained in the treasury on the 1st day of January last had been augmented to the sum of 255,860 dollars and 61 cents, by the accumulation of various payments, made previously to the 1st day of November, and a loan of 50,000 dollars from the bank of Pennsylvania; but the disbursements, during the same period, having amounted to 200,527 dollars and 12 cents, there was no more in the treasury, on the latter day, than 55,333 dollars; and that sum was subject to many heavy appropriations, so that at the close of the present year, the surplus cannot be, reasonably, computed higher than 45,000 dollars.

The only resources, on which we can now rely, for the production of revenue, consist in the dividend on the bank and federal stock; in the fees paid at the public offices; in the receipts at the land-office, and in the tax on marriage and tavern licenses. But the aggregate of these, added to the last mentioned balance, will be found, when the general statement of the finances shall be laid before you, by the proper officers, to be insufficient to defray the expenses of government, to comply with the miscellaneous appropriations of the several acts of Assembly, and to repay to the bank in the year, 1801, the loan of 100,000 dollars, which the public exigencies will shortly require to be completed.

Gentlemen of the House of Representatives:

Under the circumstances which I have described, you will, doubtless, be desirous to meet the public exigencies, by means the least burthensome to our constituents. Allow me, therefore, to submit to your consideration the expediency of selling the lately erected mansion, and such other parts of the public

property in Philadelphia, as are not only useless and expensive, in their present situation, but constantly exposed to delapidation and destruction. There are likewise, a considerable number of city lots still belonging to the State, which may be conveniently and advantageously sold. The regulation of marriage licenses (an object, which is highly interesting, in another point of view, to the peace of families, and the order of society) can be rendered a certain instrument of revenue: and the fees collected on tavern licenses, may be profitably encreased.

Though I have always recommended, upon a republican principle, the policy of an imposition on real estates adequate to the support of Government; and though at some future period, I hope to see that plan combined with the endowment of public schools; it would, I think, be attended with considerable inconvenience to pursue it, at the very moment when the Federal land-tax commences its operation. If, therefore, any additional revenue should still be required, the interest of Pennsylvania in the stock of the United States (which gradually diminishes in the course of the stipulated redemption) might, perhaps, be disposed of, without any material prejudice to our finances; while a small tax on personal estate, on legal process or on transfers of property, would ensure an abundant supply for every fiscal demand.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

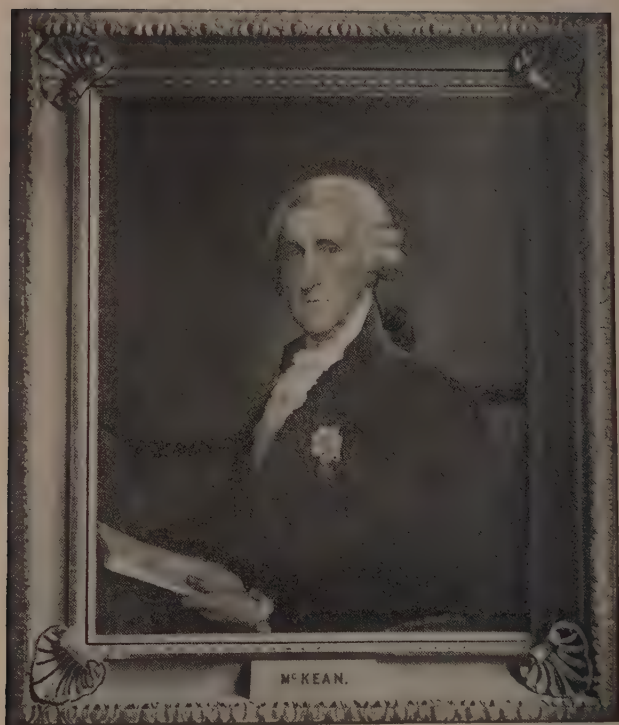
I have directed to be presented to you, copies of the opinion and advice of the College of Physicians, on the late calamity; the reports of the proper officers on the state of the Land-Office; and a schedule of the acts of Assembly, which will expire by their respective limitations. In these, and in all the arrangements

that have been made, it has been my earnest desire to facilitate your deliberations, and for the sake of economy, to co-operate with you in abridging the ordinary duration of the legislative sessions.

And, now, my Friends and Fellow Citizens, I bid you, from this station, a last, and an affectionate farewell. I acknowledge, with heart-felt gratitude, the public kindness, confidence, and support, which I have uninterruptedly enjoyed for the greater portion of an active and anxious life. I shall forever reflect, with pride and pleasure, upon the candor and liberality, which I have experienced in my intercourse with the successive Legislatures, that have been convened during the Constitutional term of my administration. As a proof of my sense of such obligations, I have endeavoured to execute an arduous office with diligence and fidelity: And while surrendering the task to an able and upright successor, I implore for him, for you, and for my country, the guidance and blessing of an all-wise, and all-powerful Providence.

THOMAS MIFFLIN.

Lancaster, December 7, 1799.



Tho M. Kean

THOMAS M'KEAN.
Governor of the Common-
wealth.
1799-1808.



Chapter IX.

THOMAS M'KEAN.

Governor of the Commonwealth.

1799-1808.

FEW LIVES ARE MARKED BY AS MANY, AS varied, and at the same time, as important official occupations as that of Thomas M'Kean. Born in Londonderry, Chester County, of Irish parentage, in 1734, after an excellent preliminary education, he entered upon the study of law with such success as to be admitted to practice in the several county courts before the attainment of his majority. When but twenty-two, he was admitted to practice in the Supreme Court of the Commonwealth, and in the same year was elected Clerk of the Assembly, an office which he held for two terms, declining an election for a third. He was then, in 1762, elected to represent the County of New Castle in the Assembly, a position which he continued to adorn for seventeen successive years, witnessing meanwhile the segregation of the lower counties into the State of Delaware. Mr. M'Kean was a member of the Colonial Congress of 1765, and of the Continental Congress of 1776, in the latter of which he was one of the Committee, which drew up the Articles of Confederation, and

was one of the signers of the Declaration of Independence. During the military operations which ensued, he upheld his convictions by active service as Colonel of a regiment of associated militia.

Upon his return home, he found himself elected a member of the Delaware Constitutional Convention, whereupon he withdrew to his room in the tavern and, without any assistance, manual, verbal or documentary, accomplished the phenomenal feat of preparing the Constitution, which was unanimously adopted by the Convention the following morning. In 1777, he was appointed Chief Justice of Pennsylvania, an office which he continued to hold for twenty-two years. In the same year, he was elected President of Delaware, continuing meanwhile to represent the latter State in Congress, of which he was elected President in 1781—a most unprecedented combination of official honors.

This long official life was closed by a term of nine years as Governor of Pennsylvania, to which he was elected by the Democratic party, and during which the strength and prestige of the State were vastly augmented. He chose his officials according to merit, frequently appointing men of political opinions contrary to those of his own party. This fact, more than any other, contributed to the development throughout the State, of a spirit of animosity toward him, which culminated in the preferring by the Assembly, of articles of impeachment against him. These, however, were never brought to trial, and resulted only in eliciting from him a classical discussion of the powers and duties of the legislative, judicial and executive branches of

the government with elaborate definitions of the offences which were clearly subject to impeachment.

Perhaps the most important work of Governor M'Kean was in connection with the public school system of the State. The provision in the Constitution of 1789 for the establishment of schools in which education might be given to the children of the poor without money and without price was introduced and supported by him, and throughout his successive administrations, he failed not to advocate and initiate measures tending to develop and strengthen the educational facilities of the State.

He lived in retirement for nine years after the completion of his third and last term as chief magistrate of Pennsylvania, dying on the 24th of June, 1817, after a career remarkable for the comprehensiveness of its duties and the variety of its achievements—his service as Governor of Pennsylvania covering the period from December 17, 1799, to December 20, 1808.

Proclamation Continuing for the Time Being All Appointments under the Executive for the Term of Three Months.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania.

By THOMAS McKEAN, Governor of the said Commonwealth.

(Signed.) Tho. McKean.

A PROCLAMATION.



Whereas the Speaker and Members of the Senate, and the Speaker and Members of the House of Representatives, of the General Assembly of the said Commonwealth of Pennsylvania have duly certified, that the said Speaker of the Senate did, on the twelfth day of December instant in the Chamber of the House of Representatives, in the Borough of Lancaster, open and publish the returns of the late election of a Governor of the said Commonwealth, in the presence of both houses of the Legislature, conformably to the Constitution of the said Commonwealth; and that upon counting the votes by a Teller appointed from each House, it appeared that Thomas McKean had a majority of votes; whereupon the said Thomas McKean was declared to be duly elected Governor of the said Commonwealth, and, having first taken the oaths of office, was accordingly, on this seventeenth day of December proclaimed Governor thereof: Now in pursuance of the power and trust to the Governor of this Commonwealth by the Constitution and Laws granted and confided, and for preventing all failures in the administration of justice, I, the said Thomas McKean, have deemed it expedient to issue this Proclamation,

Hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued, and which were in force on this day, for the term of three months from the day of the date of these Presents, unless the said appointments and commissions, or any of them, shall be by me sooner superseded and annulled. And all officers holding appointments and commissions, during the pleasure of the Executive Magistrate of this Commonwealth, are required before the expiration of the said term of three Months, to apply for and obtain new commissions, and to enter into new bonds, with sufficient sureties for the faithful performance of their respective offices, in such cases as the law requires bonds and sureties to be given. And I do further direct and enjoin all the Public Officers, engaged in the _____ of the Government, to proceed with diligence _____ in the performance and execution of the duties of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my Hand and the Great Seal of the State, at Lancaster, this seventeenth day of December in the year of our Lord, one thousand seven hundred and ninety-nine, and of the Independence of America the twenty-fourth.

By the Governor,

A. J. Dallas, *Secy*

Secretary of the Commonwealth.

Opening Address to the Assembly—1799.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

TO THE OBLIGATIONS OF HONOR, GRATITUDE, and interest, I have now added the pledge of a solemn oath, for the faithful performance of the trust which my fellow-citizens have reposed in me. I

am sensible of the difficulty, as well as of the importance, of the task that I have undertaken: but regarding the happiness and prosperity of our constituents as my sole object; pursuing the constitutions and laws of our country, as my constant guide; and confiding in the countenance and co-operation of the Legislature, I will not resist the hope of success, which prompts and animates me on the occasion.

Under this impression, Gentlemen, permit me to bespeak a continuance of that harmony which happily subsisted between the Legislative and Executive departments during the administration of my patriotic predecessor. The present crisis in human affairs, evidently demands the exercise of wisdom, moderation and fortitude, from all who are employed in the business of government. Let us then, according to the province and the capacity allotted to us, cordially unite in exercising those attributes for supporting the government of the Union, for asserting the rights of the state for encouraging virtue, knowledge and industry, and for preserving social order, confidence and concord, so that our public labours may be justly crowned with the applause of our constituents, and the blessings of Heaven.

THOMAS McKEAN.

Lancaster, December 17, 1799.

To the Assembly announcing the Appointment of Alexander James Dallas to be Secretary of the Commonwealth.

Gentlemen:

IT IS PROPER TO INFORM YOU, THAT I HAVE this day appointed and commissioned Alexander James Dallas to be the Secretary of the Commonwealth, agreeably to the fifteenth Section of the second Article of the Constitution.

THOMAS McKEAN,

Lancaster, 17th December, 1799,

To the Assembly announcing the death of George Washington and recommending a public testimonial of respect for his memory.

Gentlemen:

THE INTELLIGENCE HAS JUST BEEN RECEIVED, that George Washington, the early, the tried, approved, honored and beloved patriot of America, has paid the debt of nature: He died at Mount Vernon, in Virginia, on the 14th day of the present month.

The record of his virtues and his services is so faithfully impressed on your hearts—it is so important to the honor of human nature and the glory of his country—that I am sensible it cannot be strengthened by contemporaneous praise nor be impaired by the operations of time. Yet the glowing sense, which I personally cherish of his worth, the veneration which his character demands throughout the world, and the public benefit of presenting such an example, conspicuously, to the imitation of the rising generation, impel me to call your attention, to the awful and melancholy event.

While, therefore, we avoid, in the common affairs of our government, every appearance of servility and adulation, inconsistent with the independence of freemen, let us in the respect which we pay to the singular merits of this great man, rescue republics from the proverbial stigma of ingratitude.

You, gentlemen, can best devise a proper testimonial of the public feelings and sorrow upon the present occasion: And assuring you of my concurrence, I will venture, likewise, to answer for the cordial approbation of our constituents.

THOMAS McKEAN.

Lancaster, Dec. 19, 1799,

To the Assembly concerning the prevalence of yellow fever in the city of Philadelphia.

Gentlemen:

THE SECRETARY WILL LAY BEFORE YOU A communication from the Academy of Medicine, relative to the malignant bilious Fever which has for some years past infested the city of Philadelphia. The sentiments of this learned and public spirited Society will, no doubt, have your due consideration.

At the same time permit me to call your attention to a report from the Receiver-General of the Land-Office, which you will receive herewith.

THOMAS McKEAN.

Lancaster, January 10, 1800.

To the Assembly in reply to certain allegations of misuse of the Executive powers contained in a late message from that body.

Gentlemen:

THE EXTRAORDINARY NATURE OF YOUR first communication to me, as an executive magistrate, the slight reference that it contains to the address which it pretends to answer, and the distant period at which it is presented, are indications of premeditated insult, that affect me infinitely more on account of the apparent departure from the dignity of a Legislative body, than on account of the injustice done to my political principles, or of the outrage offered to my personal feelings. Regarding you, indeed only in your Representative character, I have thought it, in some degree, an official duty to suffer you to speak to me in terms which as a private gentleman, I would not have consented to hear; and which as private gentle-

men, individually responsible I still hope you would not have condescended to employ.

Thus, an address, closing the solemn act of my introduction into office, with a declaration of my solicitude to promote the happiness of our constituents, and to preserve an harmonious intercourse between the departments of the government, you have been pleased to convert into an opportunity to assume a censorship, which the constitution does not recognize; to exhibit accusations which my conduct has not deserved; and to indulge a spirit of animosity which presents much to compassionate and deplore, but nothing to convince, or to terrify.

It is obvious, I must repeat Gentlemen, that your proceedings on this occasion, are not founded on any legislative duty, and cannot, I think, produce any public advantage. As the Senate is the tribunal established to decide upon any charge of official misconduct, it would seem in such cases to be peculiarly incumbent on that body to abstain from effusions of passion, from asperity of animadversion, from the bias of prejudication. Even, therefore, if the transactions which you have denounced, were of a criminal nature, you, who would eventually be the judges, ought not to become the accusers; and if they were not of a criminal nature it will be difficult to trace the political, moral or intellectual pre-eminence that authorizes you to arraign and condemn them.

Let us, with this view, for a moment consider the topics of your complaint. In a reply to the congratulations of my republican friends upon the result of the late election, I candidly stated an opinion, that a combination was employed in support of the adverse candidate, consisting of the enemies to the principles of the American revolution, the emissaries of foreign governments, and the dependents, or expectants of office, under the Federal administration. Whether I review

the circumstances to which I then referred, or contemplate the many other proofs of the existence of such a combination, in relation to more important objects, I find no reason to change, or to retract, the opinion that was then delivered. Yet, let me not again be misrepresented. Tho' my election was opposed by all those descriptions of persons, I never said, I never thought that there was not likewise a numerous description of opponents, whose minds were actuated by the purest motives, and whose conduct had been equally decorous and independent. Free, therefore, from the perversion of party (a perversion which I did not expect the enlightened Senate of Pennsylvania would countenance or adopt) what is there in my sentiments, or language, that your generosity should be exercised to forgive, or that my sense of justice should be anxious to obliterate.

Besides, it will be recollected, that the transaction, particularly alluded to, occurred before I was in office, and was unconnected with any object of the executive or legislative trust. If then the censorship of the Senate is warrantable, as applied to that act, it may with equal reason and authority, be applied to every other act of my life; and if the Senate may publish strictures upon the private conduct of the Executive Magistrate what claim of privilege can shelter the members of that body from retort and recrimination, but the claim (which I shall always promptly anticipate and allow) to pardon and oblivion.

You have chosen, however, gentlemen, another topic for censure; and pursuing the very course, which you have yourselves reprobated, you lament that the same spirit which dictated the answer to my republican friends, has marked my official conduct; you bestow the most opprobrious epithets on my arrangement of the subordinate offices of the state; and you ascribe to me the most wicked designs. But the constitution has conferred on the Governor the exclusive power of ap-

pointing, or removing, public officers; and although it is admitted that, for the legal exercise of that power he is responsible to the Legislature through the medium of impeachment, as for the discreet exercise of the power he is responsible to his constituents through the medium of elections; I can no where discover the authority of the Senate in the present form of controul, regulate or interpose. The radical principles of the constitution, indeed, provides for the separation and independence of the principal departments of government; and it can be of little importance whether that principle is subverted by direct usurpation, or by successful efforts of one department to overawe and influence another. If likewise, the Senate may, on any pretence, by an extra-judicial process, investigate and arraign, disapprove and censure the manner of discharging the executive functions: may not the executive magistrate, with as much right and propriety, invade the sanctuary of the senate, deprecate the rage and acrimony of its parties, denounce the personal misconduct of its members, question their title to their seats, and brand them with corruption or imbecility? No, gentlemen, I will never encroach upon your jurisdiction, but I shall deem it equally a duty, with firmness and decency, to resist any attempts to encroach upon mine.

But it is not on this ground alone, that your proceedings appear to be erroneous; you have also erred in the unqualified assertion, that "a great number of respectable characters have been removed from office, against whom no other blame rests, than the exercise of their right, as freemen, in opposition to my wishes." Before so gross an imputation was cast upon my conduct, you should surely possess (what you cannot have possessed) a perfect knowledge of the information and principles by which it is regulated. It is true that various changes in public officers have been made and that

others are contemplated; but was it not within the scope of a candid construction, to assign a less odious cause for the measures I have pursued?

In a popular government, the principles of rotation in offices of honor and profit, might fairly have been suggested. A conviction of the unfitness of an officer for his particular station, would be a reasonable ground for the exercise of executive discretion; and much as I venerate the military merit of the revolution, I may be allowed to remark, that such merit does not necessarily imply a superior capacity for civil office.

The deportment of officers not in the exercise of the rights of freemen, but in the prostitution of official influence to party purposes; not in the maintenance of their own independence, but in the defamation of the Executive Magistrate, may also afford a proper cause of removal; for the confidence and cordiality which ought to subsist between the principal and subordinate officers of the State, being thus destroyed, the public interest alone would demand a separation. In short, Gentlemen, let my appointments be judged by any impartial test, & I flatter myself, that I am rather entitled to the approbation with which the House of Representatives has honoured me, in an answer to the same address, than to the denunciation of a small majority of the Senate. You would then perceive, that many of the commissions issued by my predecessor, have been renewed; that if any veteran of the American war has been displaced, after a long enjoyment of office, others of, at least, equal patriotism and talents, have been brought, from retirement into the public service; that so far from acting on the impulse of an indiscriminate resentment, many of my most decisive and influential opponents have been re-appointed; and that without regard to any personal feeling, I have selected, and shall always deem it a duty to select for public stations, men

who are tried and faithful friends to the genuine principles of our republican institutions.

Having now, gentlemen, endeavoured to evince the impropriety and injustice of the aspersions with which I have been assailed, permit me again to invite your co-operation in establishing the harmony of the government. To the honor of the State, to the interest of our constituents, and to our own happiness; it is essential that the spirit of political distrust and party feud, should be effectually subdued. For a purpose so important and beneficent, an example may justly be expected, from those who are elevated to public stations; and I repeat, that with the prosperity of the people as our sole object, with the constitution and laws as our constant guide, we may reasonably hope for success. For my part, be assured that (notwithstanding every past unpleasant occurrence) I shall embrace every opportunity to manifest a profound respect for the Legislature, and to reciprocate marks of confidence and esteem with the individuals who compose it.

THOMAS McKEAN.

Lancaster, January 28, 1800.

To the Assembly concerning Dr. Ewing, the American Philosophical Society, and the Northumberland Academy.

Gentlemen:

THE ATTORNEY-GENERAL HAS INFORMED me, that he has been served with the copy of a process in a suit by the Reverend Doctor John Ewing, plaintiff, against the Commonwealth, defendant, in the Supreme Court of this State; a similar copy has been left at the house of the Governor, by the sheriff of the County of Lancaster. As these proceedings

have occurred while the legislature is in full sessions, I have deemed it advisable to submit it to you, whether the attorney-general should appear for the Commonwealth, and defend the action, or except to the jurisdiction of the court.

By the eleventh section of the ninth article of our Constitution, it is declared, that "Suits may be brought against the Commonwealth in such manner, in such courts and in such cases, as the Legislature may by law direct."

As no provision has yet been made by the Legislature to enable the citizen to have the advantage of this part of the Constitution, and as it is against the principles of natural justice for any body of men to be judges in their own cause, it appears to me highly necessary and expedient, that this subject should be speedily taken into consideration, and measures adopted for affording a full, fair and impartial trial, and determination of such controversies.

A petition to both Houses, from the American Philosophical Society, for promoting useful knowledge, has been inclosed to me, copies whereof will be herewith delivered. This application, from so useful and distinguished a corporation, can require no recommendation to the liberality of the Legislature of Pennsylvania.

At the same time, I deem it proper to lay before you, the copy of a petition from the Trustees of Northumberland Academy, directed to me. A few thousand dollars timeously expended, in promoting learning and moral instruction, will be the means of saving millions in terrors and in punishments, in insurrections, and in wars; besides conferring inestimable advantages on society in other respects; it is education forms the human mind. Although we have neglected to profit what we might by the genius and labors of a Rittenhouse, yet I trust we shall not lose the disinterested services of

the learned and benevolent Priestly, whom a kind Providence has placed near this institution.

THOMAS McKEAN.

Lancaster, February 5, 1800.

Proclamation Further Continuing Appointments for the Term of One Month.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania.

By THOMAS McKEAN, Governor of the said
Commonwealth.

(Signed.) Tho. McKean.

A PROCLAMATION.



Whereas I issued a Proclamation, bearing date the 17th day of December last, thereby confirming and continuing all appointments made, and all commissions theretofore lawfully issued and which were in force on the said 17th day of December, for the term of three months from the date of the said Proclamation, unless the said appointments and commissions, or any of them, should be by me sooner superseded and annulled: And Whereas I have deemed it expedient to extend the term aforesaid: Therefore I have issued the present Proclamation, Hereby continuing all appointments and commissions aforesaid (except such as have been by me already superseded and annulled) for the term of one month to be computed from the day of the date hereof, unless they shall be previously by me superseded and annulled.

Given under my Hand and the Great Seal of the State at Lancaster, this sixteenth day of March, A. D. 1800, and of the Independence of America the twenty-fourth.

By the Governor,

James Trimble,

Deputy Sec'y.

Proclamation Convoking the Assembly for the purpose of Providing for the Choice of Electors for President and Vice President.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas it is declared by the Constitution of the United States, that for the purpose of electing a President and Vice President, "each State shall appoint in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of senators and representatives, to which the State may be entitled in the Congress." And Whereas the Legislature of Pennsylvania has omitted to direct the manner in which this State shall appoint the electors of a President and Vice President, to be chosen at the next ensuing election for that purpose to be holden, and the ordinary period prescribed by the Constitution of this Commonwealth, for the annual Session of the General Assembly, will not arrive until

the said next ensuing election of a President and Vice President has been holden and compleated, conformably to the Constitution and Laws of the United States: And Whereas it is incumbent on the Executive Magistrate of this Commonwealth, as far as his power and jurisdiction extend, to take care that the Laws be faithfully executed, and more especially that the Constitution of the United States, as well as of the State, (the Supreme Laws of the Land) be preserved entire and operative in all the provisions thereof: Now, actuated by motives of official duty, impressed with a just sense of the importance of the object, and desirous to avoid on my part, every cause of reproach and responsibility, I have deemed it expedient to convene the General Assembly, to the intent, that on this extraordinary occasion, the Legislature may possess an opportunity of fulfilling its Federal obligations, the State may enjoy its legitimate influence in the Councils of the Union, and the national Government may derive energy and stability from a regular organization of its departments.

Therefore, and by virtue of the authority to me in such case given, in and by the Constitution of the Commonwealth, I have issued this Proclamation, hereby convening the General Assembly to hold a Session on Wednesday the fifth day of November next, at the Court House in the Borough of Lancaster: And of which time and place of convening all persons therein concerned are required to take due notice.

Given under my hand, and the Great Seal of the State, at Lancaster, the eighteenth day of October, in the year of our Lord one thousand eight hundred; and of the Commonwealth the

By the Governor,

A. J. Dallas,

Secretary.

Opening Address to the Assembly—1800.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

THE LEGISLATURE HAVING OMITTED TO prescribe the manner in which the Electors of a President and Vice President of the United States shall be appointed, I have thought it incumbent on me, to furnish the present opportunity, for discharging a trust, so interesting to the honor of the State, and so essential to the prosperity of the Union. To preserve, indeed, the political balance of our Confederation, to promote the regular operations of Government, to diffuse the blessings of concord, and to ensure the confidence of the People, are considerations intimately connected with the object, for which you have been convened; and having thus prompted an extraordinary interposition of the Executive power, they will, also, I am persuaded, command, on your part, a serious and salutary attention.

It is to be regreted, Gentlemen, that the difference of opinion, which occurred on this subject, between the two branches of the last General Assembly, has deprived our Constituents of an immediate participation in the choice of Electors, either by an election of the citizens at large, or by an election of the citizens in districts. Since, however, the crisis affords no other alternative, than a Legislative appointment, or a dereliction of the right of election, we cannot, I think, reflect upon the dangerous and disgraceful consequences of the latter course, without resolving to pursue the former. On the fidelity and vigilance of its several members, the Union depends for its energy and duration; and, it is obvious, that a neglect, or omission, of the important duties, assigned to the individual States, must, eventually, prove as destructive to our Federal Compact, as an opposition the most active, or a seces-

sion the most daring: For, a free and enlightened People will not long continue to maintain or to respect an institution, in which (from whatever cause) they have ceased to be represented.

Nor can we resist the influence of those occurrences which admonish us, at this momentous period of human affairs, to rally round the Constitution of our Country, as the palladium of civil Liberty, and the last hope of Republican Virtue. To rescue Pennsylvania, therefore, from the stigma of exhibiting to her Sister States, a fatal example of discord and disorganization, is a motive, that cannot fail to supersede in every patriotic mind, the pride of opinion, as to the theory of our Government, or the bias of predilection, as to the various means of supplying its departments. For my own part, I acknowledge, that I have ever contemplated a general choice by the People, as the truest, fairest, safest, exposition of the Constitution; but a deference for the judgment and practice of others, taught me to respect a departure from that rule elsewhere, before the necessity had arisen, which imposes a departure from it here. In eight States of the Union, Electors are appointed by a Vote of the two branches of their respective Legislatures; and appointments so made, have been uniformly recognized by Congress. It is a great consolation, therefore, that on the present occasion, we have these authoritative precedents to pursue; since, permit me to repeat, it is only left to your discretion to decide, whether Pennsylvania shall abandon her elective rights, or exercise them in a manner, which has already been adopted by one-half of the Confederation.

Though I have thus explicitly communicated my sentiments, and exonerated myself from all official responsibility, I still deeply partake of the general solicitude, for the issue of your deliberations. The situation of our Country is critical; but not alarming. In her external relations, the prospect of reconciliation and peace

appears, by recent intelligence, to be realized; and nothing seems wanting to her domestic happiness, but a recollection of the common interest, by which all her Citizens must be equally animated, in their efforts to promote it. It has, perhaps then, fallen to the lot of Pennsylvania, not merely to determine an important election, but to extinguish, by a magnanimous example, those feuds and jealousies, which have disturbed the order of Society, and threatened to eclipse the glory of the Revolution. Under this impression, we see, without surprize, the attention of the Union fixed upon the proceedings of the present day; while, from every quarter of the State, the wishes and prayers of our Fellow-citizens, emphatically appeal to the patriotism and fidelity of those, in whom they have reposed their confidence, and to whom they have delegated their power. Such just and honorable expectations will not be disappointed! No: Superior to the suggestions of party, disdaining a contest about forms, and yielding to the precedents that have established your decision cannot fail to merit the approbation of our Constituents, the applause of our Sister States, and the gratitude of posterity.

I shall reserve, Gentlemen, the communications on the general state of the Commonwealth for a future message: but I cannot conclude at this time, without assuring you of my most cordial co-operation, in every measure for the public good. Let us, then, cultivate, by all the means in our power, a liberal and harmonious intercourse between the departments of the Government;—convinced, as we must be, that our private happiness, not less than our public duty, will be best promoted, under the influence of mutual confidence, deference and esteem.

THOMAS M'KEAN.

Lancaster, November 7, 1800,

To the Senate stating the Governor's reasons for convening the Assembly in extra session in 1800.

Gentlemen:

IT GIVES ME GREAT SATISFACTION TO FIND, that you concur in my opinion of the importance of the occasion, on which the Legislature has been convened; and be assured, that I regret, with you, the limited period, that remains for deliberation and decision.

A variety of considerations occur, however, to justify the time, that has been selected for an interposition of the Executive Authority. It will be observed, that the Legislature has a power over its own adjournments; and had you, Gentlemen, thought, during the last Session, that another meeting of the same General Assembly, would, probably, furnish the means to reconcile the jarring opinions of the two Houses, a proposition for that purpose, would, I am persuaded, have been introduced. But the power which the Constitution vests in the Executive Magistrate, to convene the Legislature, points, particularly, to these emergencies, which may occur during a recess; upon which the Legislature has had no opportunity to deliberate; and with respect to which, without his interposition, the season for deliberation would be lost. From the silence of both Houses on this point, therefore, I naturally inferred, that to assemble the same Members again would be an abortive, as well as an expensive experiment; and, I am sorry to add, that the transactions of the present Session have only served to confirm the idea, which I had formed. Though the nature of the question is changed, the inflexibility of opinion remains. The difference between a General and District Election, while those modes of appointing Electors could be contemplated, generated a contest with the same motives, which now agitate the Legislature, on the difference be-

tween appointing by a joint vote of its branches, or by assigning a portion of the number of Electors, to the separate choice of each branch. If then an adherence to your new plans threatens to disfranchise the State, at the period when you must act, or surrender the power of acting, what hope could have been indulged of a more auspicious disposition, upon an earlier call of the Legislature? The existing majority of the Senate (consisting of all the Members who composed the majority of the last Session) have not declared that in that case any more than in the present case they would have acceded to the opinion of the House of Representatives; and taking the issue of the recent Elections, as a criterion, I can perceive no just reason to presume, that, after consulting our constituents, the House of Representatives would have yielded their opinion to the Senate.

Hence, I think, it is obvious, Gentlemen, that the Executive Authority was interposed, to convene the Legislature, at the only time, which presented a prospect of success; and all the preparatory steps were taken, previously to the General Election, without any possible influence from the event of that constitutional appeal to the sentiments of the People. But, with you, after all, it remains to fix, in the course of a few days, the character of Pennsylvania, as a member of the confederation. In the name of our constituents, for the sake of ourselves and posterity, I implore you to consider well the consequences of your decision—Indulge not a predilection for forms, a spirit of innovation, to the hazard of the peace, the happiness, and the stability of the union; but, conforming to the precedents that have been judiciously established, to the public sentiment that has been unequivocally expressed—deserve and receive the applaudits of your country.

THOMAS M'KEAN.

November 19, 1800.

To the Assembly concerning the general state of the Commonwealth—1800.

Gentlemen:

IN PROCEEDING TO LAY BEFORE YOU A GENERAL state of the Commonwealth, I derive the highest satisfaction from an opportunity of congratulating you, upon the health that the City of Philadelphia has enjoyed, during the present year, as well as upon the many other blessings, which a beneficent Providence has bestowed upon our Country. The Commerce of the State, relieved from domestic calamity and external outrage, promises to revive with all its energy and enterprize. Her Agricultural industry has been productive beyond the experience of any former period: While the progress of population and settlement (notwithstanding an impolitic discouragement of migration to America) rapidly extends, throughout her territory, the various arts and advantages of social life. To preserve, and to improve, a situation thus propitious, will, certainly, demand and deserve the attention of every department of the Government; but from the Legislature, in particular, much is expected, and much, I am persuaded, will be performed.

It is obvious, that on the judicious structure, as well as on the faithful administration, of our municipal institutions, must depend the order, safety, and tranquility of the community. Hence, it becomes necessary, occasionally to review the general laws for regulating our police; to adapt them to the inevitable mutation of human affairs; and to amend them according to the useful lessons of experience. With this view, therefore, permit me to introduce to your immediate consideration, the propriety of revising the existing systems, in relation to Elections, to Courts of Justice, and to the Militia.

The law for regulating the General Elections, has been found defective in its description of the qualification of Voters; in the rigor of the proof required to establish the privilege of voting; and in the omission of a summary mode, to investigate and decide any contest, that may arise, at a preliminary election for Inspectors, and other Officers. While, on the one hand, this sacred right of Citizenship ought to be effectually protected from invasion, it will be allowed, that, on the other hand, no obstacle, should be interposed, or tolerated, by which the friends of a particular candidate may embarrass and oppress their opponents; or by which the Constitutional franchise of a single qualified Elector may be endangered and destroyed.

It is referred, therefore, generally, to your wisdom to devise a remedy for the defects, that have been stated; but the occasion seems, in a special manner, to require the legislative aid, to obviate the doubts, which have been recently created, respecting the validity of acts of naturalization in the Courts of Common-Pleas. I have always, I confess, considered those Courts, in their constitution and jurisdiction, to be Superior Courts (though not Supreme) as well as District Courts; and consequently, expressly empowered by the Act of Congress to grant Certificates of naturalization: but, on a question of such importance, to so many adopted Citizens, you will, probably, deem it expedient to pass a declaratory Act. On the subject of elections, your attention will, likewise, be naturally attracted, during the present sessions, by the inconveniences, which the State has repeatedly encountered, for want of a permanent law, to regulate the manner of choosing Senators of the United States, and of appointing the Electors of a President and Vice President.

Adverting to the Courts of Law, you will readily perceive, that the extension of Commerce and Agriculture,

the increase of population, and the multiplication of Counties, have so accumulated the objects and duties of the Judiciary Department, that the existing system has proved to be no longer adequate to the regular and efficient administration of justice. An addition to the number of Judges of the Supreme Court, and a subdivision of the Circuits of the Courts of Common-Pleas, appear, therefore to be indispensably requisite, for the safety and accommodation of the People; but how far such an arrangement may be made to supply the use, and to subtract the expence of the Hight Court of Errors and appeals, you will determine. The Constitution contemplates a legislative provision for authorizing suits to be brought against the Commonwealth: And besides introducing other general provisions, to secure a faithful execution of the Office of Sheriff, you cannot, I think, render a greater service to our Constituents, than by devising and enforcing a plan for the return of Jurors, which, in every vicissitude of party influence, and popular opinion, shall operate freely, without favor, and without prejudice. In our penal code, few important alterations can, at this time, be suggested; but it may be proper to observe, that the nature and degree of some of the punishments denounced by the Health Laws, are so disproportionate to their relative offences, as to assume a character of cruelty, inconsistent with the spirit of the constitution, and obstructive in the exertion of the regulations for the security of the Port.

It is with pride and pleasure, that I inform you of a numerous and effective enrollment of our Militia (the strength and safety of a free People) amounting, on the best calculation to about eighty thousand Citizens. A report of the quantity and distribution of the public Arms lately purchased will be laid before you; but many of the old arms are in possession of individuals in different parts of the State, who ought to be induced,

or compelled, to deliver them to the Brigade Inspectors, and an Officer appears necessary, for the safe keeping, repairing, and superintending the whole of them. Notwithstanding the judicious liberality of the Legislature in their former appropriations for this object, it will be necessary to give additional powers, either to the Brigade Inspectors, or to the Department of Accounts, for the purpose of collecting the arrearages, as well as the accruing fines, which constitute the only permanent fund for defraying the expences of the Militia. Some mode should, also, be prescribed for deciding contested elections; the Judges of elections should be placed under the obligation of an oath or affirmation, as well as the Officers commissioned; and it seems to be proper, in conformity to the general principle of the law, that a provision should be made, for issuing Commissions to supply any future vacancies, not on a tenure of seven years, but only for the unexpired portion of the septennial period of election.

Having brought these principal institutions into your view, and considering the diffusion of useful knowledge among the People, to be the best auxiliary to the administration of a free Government, allow me, Gentlemen, to remind you of a constitutional injunction, "that the Legislature shall, as soon as conveniently may be provide by law, for the establishment of Schools throughout the State, in such manner, that the poor may be taught gratis." As another important instrument, to unite the interests and affections of the Citizens, the communication between the different parts of the State should be facilitated by every practicable means. An opportunity will be taken during the present Session, to exhibit a Report on the progress in executing the various Contracts, which have been formed for the improvement of our public roads and inland navigation; but, besides affording occasional aids from the Treasury for specific objects, I trust, that you will

render the permanent provision of our law, relative to Roads and Highways, more general and more operative. The business of the Land-Office, and of the Board of Property, becomes highly interesting to the community. Some measures should be pursued to compel persons holding lands under settlements, warrants or locations, to apply for Patents; and you cannot be too early in taking the proper precautions, to avert the danger, that menaces the property and peace of the State, from a Collision of titles in the distant Counties. To these objects of legislation, permit me to add, that during the present Session it will be necessary to choose a Senator of the United States; and that the Constitution requires, an apportionment of the representation in the General Assembly to the number of taxable inhabitants, according to the returns of enumeration which will be transmitted to you, as soon as they are received.

Since the last adjournment of the Legislature, the duties devolving on the Executive, have been punctually performed. In organizing the several new Counties, however, some difficulty has occurred, (which it may be proper to obviate by a decision of the Judges) in relation to the validity of the Commissions of Magistrates, whose residence does not continue within the boundary of the County, for which they were originally appointed. The sale of the House and Lots that belonged to the State, situated between Market and Chestnut streets in Philadelphia, has been made to the University of Pennsylvania, in the manner, and on the conditions, prescribed, for the sum of forty-one thousand six hundred and fifty dollars; but you will perceive by the report of the Agents, that the premises are subject to a ground rent, which the State is bound to discharge. Though the Commissioners employed in executing the Act, for settling, on the principles of a liberal compromise, the injurious controversy at Wi-

oming, have not completed their arduous undertaking, you will perceive, by their report, that such progress has been made, as justifies the expectation of an early and satisfactory termination of the business. It may, however, be proper to prolong the time, that has been allowed to the parties to declare their accession to the terms of the compromise.

Gentlemen of the House of Representatives:

The Officers of Accounts will lay before you a detail of the Finances of the State; but permit me, in general, to inform you, that on the first day of October last there was a balance of eighty-six thousand three hundred and sixty dollars in the Treasury, which our various sources of Revenue will, probably, in the course of the ensuing year, augment to a sum of three hundred and four thousand and seventy-nine dollars. Besides, however, defraying the expences of Government, paying the sums due on the Contracts for Arms and satisfying various miscellaneous appropriations, it will be necessary to provide, for discharging the moiety of the Loan from the Bank of Pennsylvania, which will be due on the first day of April next. Hence, you will discover a considerable deficit (amounting perhaps to a sum of eighty thousand dollars) to supply which you will be under the necessity of resorting to a moderate tax, or to a sale of the public stock belonging to the State; but I am confident, that in the arrangement of our Finances you will be equally attentive to the principles of public credit, and useful economy.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

With the various other documents relating to the topics of this Message, the Secretary will present for your information, copies of reports from the several Land-Officers, and a Schedule of the Acts that will shortly expire, in consequence of their respective limi-

tations. I trust, that in these, and in all my official communications, you will perceive the proofs of a sincere disposition, to advance the welfare of the State, to facilitate the deliberations of the Legislature, and to expedite the transaction of the public business.

THOMAS M'KEAN.

Lancaster, November 21, 1800.

Proclamation Announcing Electors for President and Vice President—1800.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania.

By THOMAS M'KEAN, Governor of the said Commonwealth.

(Signed.) Tho. M'Kean.

A PROCLAMATION.



Whereas it hath been duly certified to me, that, at a joint meeting of the Members of the Senate and the Members of the House of Representatives of the General Assembly of this Commonwealth, assembled in the Chamber of the House of Representatives, in the Borough of Lancaster, in the second day of December, instant, for the purpose of appointing Electors of a President and Vice President of the United States, in conformity to the manner directed by the Legislature of this Commonwealth, in and by an Act of the General Assembly, entitled "An Act to direct, in behalf of this State, the manner of appointing Electors of a President and Vice President of the United States;" the following named persons were, and are chosen and

appointed the Electors of a President and Vice President of the United States, at the next ensuing Election, for that purpose to be holden; that is to say, Frederick Kuhn, James Armstrong, George Ege, John Hubley, William Hall, Samuel W. Fisher, James Crawford senior, Robert Whitehill, Samuel Wetherill, John Kean, Jonas Hartzell, Gabriel Hiester, Pressley Carlane, Nathaniel B. Boileau, and Isaac Vanhorn, Esquires.

Therefore, and in compliance with the directions of said recited Act of the General Assembly, I have issued this Proclamation, Hereby announcing the said choice and appointment of Electors, and notifying and requiring the said Electors, and every of them, to meet at the Court House, in the Borough of Lancaster, at 12 O'Clock of Wednesday, the third day of this present Month of December; then and there to do and perform all such acts and things, as are enjoined and required by the Constitution and Laws of the United States to be done and performed, by the Electors of a President and Vice President of the United States.

Given under my hand, and the Great Seal of the State at Lancaster, the second day of December, in the year of our Lord, one thousand eight hundred, and of the Commonwealth the twenty-fifth.

By the Governor;

James Trimble,
Deputy Secretary of the Commonwealth,

Proclamation Announcing the Election of John Stewart
as Representative in Congress.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania.

By THOMAS M'KEAN, Governor of the said Commonwealth.

(Signed.) Tho. M'Kean.

A PROCLAMATION.



Whereas it is provided, in and by an Act of the General Assembly, entitled "An Act to provide for the election of Representatives of this State in the Congress of the United States," that the Governor having received the Returns of the election from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several Counties of this Commonwealth, shall declare, by Proclamation, the name of the person or persons to him returned as duly elected in each respective district: And Whereas it appears from the Return of a General Election, held on the fifteenth day of the present month (in pursuance of a writ issued by me for that purpose) in and for the district of the Counties of York and Adams, that John Stewart, Esquire, has been duly elected to serve in the House of Representatives of the Congress of the United States, and to supply the vacancy occasioned by the death of Thomas Hartley, Esquire.

Now, therefore, I have issued this Proclamation, hereby publishing and declaring, that the said John Stewart is duly elected, and chosen as a Representative of the People of this Commonwealth, to serve in the House of Representatives of the Congress of the United States, for and during the remainder of the term for

which the said Thomas Hartley, Esquire, now deceased, was elected to serve.

Given under my hand *and the Great Seal of the State, day of in the year of our Lord one thousand eight hundred and one, and of the Commonwealth the twenty-fifth.

By the Governor,

James Trimble,

Deputy Sec'y.

Proclamation Requiring the Return to the Proper Authorities of all Arms and Equipments the Property of the State or the United States.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor of the said Commonwealth.

(Signed.) Tho. M'Kean.

A PROCLAMATION.



Whereas the State has, at sundry times, incurred great expense in providing arms for the Militia; but, it has been represented to me, that the regulations, for the safe keeping thereof, have been hitherto so disregarded, that many muskets, belonging to the public, have been sold, bought or exchanged; many remain concealed in the hands of private persons; and many, in consequence of such concealment are likely to become useless, for want of seasonable repairs: And Whereas it is provided by law, "That if any person, or persons, shall knowingly sell, buy, take, or exchange,

*The proclamation mutilated at the points left blank.

conceal, or otherwise fraudulently receive any arms, accoutrements, colours, or drums, belonging to this State, or the United States, on any account or pretence whatsoever; the person so offending, being convicted thereof, before one or more Justice or Justices of the peace of the City or County, where such offence shall be committed, shall forfeit and pay, for every such offence, treble the value of such arms, or accoutrements; to be ascertained by the said Justice, or Justices, and levied by distress and sale of the offender's goods and chattels, by the Justice, or Justices, before whom such offender shall be convicted; returning the overplus, if any, on demand, to such offender: and for want of such distress shall commit such offender to the common Gaol of the County, there to remain, without bail or main prize, for any term not exceeding three months, unless such money shall be sooner paid; and, in every such case, the proof of the property shall be made by the possession of such arms and accoutrements.

Now, to the intent, that all the public arms should be collected and preserved for the public use, and*
_____ persons, hereafter transgressing the above recited law, _____ punished, I have deemed it expedient to issue this Proclamation _____ requiring and enjoining all persons whomsoever (other than those to whom Arms have been duly delivered, by the proper Officers, for the purposes of exercise and discipline, conformably to the Act for the regulation of the Militia) having in their custody, possession, and power, any arms, accoutrements, colours or drums, belonging to this State, or to the United States, forthwith to deliver, or cause the same to be delivered, unto the Brigade Inspector of the Brigade, within the bounds whereof such persons respectively reside. And the respective Brigade Inspectors, and all the Officers of the Militia according to the duties of their respective

* Proclamation mutilated at blank points.

stations, are required and enjoined diligently to enquire after, and to prosecute, all persons whomsoever, transgressing the said recited law; and, from time to time, to make report of their proceedings therein to the Adjutant General.

Given under my hand and the Great Seal of the State, at Lancaster, the twentieth day of January, in the Year of our Lord one thousand eight hundred and one, and of the Commonwealth the twenty-fifth.

By the Governor,

A. J. Dallas,

Secretary of the Commonwealth.

To the Assembly informing of the discontinuance of the office of Agent of Information.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO LAY before you a general statement of the contracts for opening and improving roads and rivers.

The progress that has been made in the execution of the respective contracts renders it unnecessary in my opinion to employ a permanent agent to examine and superintend the works; I have therefore discontinued that office, and at the same time I have taken measures to apprise the contractors and their sureties of my determination to enforce the bond of every delinquent.

THOMAS M'KEAN.

Lancaster,
January 19, 1801.

To the Assembly concerning the Delaware and Chesapeake Canal.

Gentlemen:

I HAVE JUST RECEIVED A LETTER FROM HIS excellency Richard Bassett, esquire, the Governor of Delaware, and the act of the General Assembly of that State, referred to therein; together with the report of the commissioners appointed in pursuance of the resolution empowering the Governor to appoint three commissioners to attend the General Assembly of the State of Delaware, now in session, with a view to obtain permission of that State, upon proper principles, to cut a canal between the bays of Delaware and Chesapeake: copies of which I now transmit to you by the Secretary.

The act of Delaware is not to come into operation, until certain measures are adopted by the Legislature of this State; which I beg leave to recommend to your early attention.

This business appears to have been well timed by the Legislature, and conducted with great ability and dispatch, on the part of the commissioners.

THOMAS M'KEAN.

Lancaster,
February 6, 1801.

Proclamation of the Election of Representatives of
 Pennsylvania in the United States Congress—
 1801.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF
 the Commonwealth of Pennsylvania.

By THOMAS M'KEAN, Governor of the said Commonwealth.

(Signed.) Tho. M'Kean.

A PROCLAMATION.



Whereas it is provided in and by an Act of the General Assembly, entitled "An Act to provide for the election of Representatives of this State, in the Congress of the United States," that the Governor having received the Returns of the election from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several Counties of this Commonwealth, shall declare by Proclamation, the name of the person or persons to him returned as duly elected in each respective district: And Whereas it appears, from the returns of the General Election, held on the fourteenth day of October last, in and for the several districts hereinafter specified, that the following named Persons were duly elected therein respectively, to serve in the House of Representatives of the United States, for the term of two years, from and after the fourth day of March next, that is to say:

1. In the district of the City of Philadelphia, William Jones.
2. In the district of the County of Philadelphia, Michael Leib.
3. In the district of the Counties of Chester and Delaware, Joseph Hemphill.

4. In the district of the Counties of Berks and Luzerne, Joseph Heister.

5. In the district of the Counties of Dauphin, Northumberland and Lycoming, John A. Hanna.

6. In the district of the Counties of Bucks, Montgomery, Northampton and Wayne, Robert Brown and Peter Muhlenberg.

7. In the district of the County of Lancaster, Thomas Boude.

8. In the district of the County of York and Adams, John Stewart.

9. In the district of the Counties of Cumberland and Mifflin including Centre, Andrew Gregg.

10. In the district of the Counties of Bedford, Somerset, Franklin and Huntingdon, Henry Woods.

11. In the district of the Counties of Westmoreland and Fayette, John Smilie.

12. In the district of the Counties of Washington, Greene, and Allegheny including Crawford, Albert Gallatin.

Now therefore, I have issued this Proclamation, hereby publishing and declaring that the said William Jones, Michael Leib, Joseph Hemphill, Joseph Heister, John A. Hanna, Robert Brown, Peter Muhlenberg, Thomas Boude, John Stewart, Andrew Gregg, Henry Woods, John Smilie, and Albert Gallatin, are duly elected and chosen as Representatives of the Congress of the United States, for two years from the said fourth day of March next.

Given under my hand and the Great Seal of the State at Lancaster the tenth day of February in the year of our Lord one thousand eight hundred and one, and of the Commonwealth the twenty-fifth.

By the Governor,

A. J. Dallas,

Secretary of the Commonwealth.

To the Assembly concerning fugitive slaves from Maryland.

Gentlemen:

I HAVE THIS DAY RECEIVED FROM THE POST-office, a letter dated the fifteenth of last month, from his excellency Benjamin Ogle, governor of Maryland, in council, complaining of the losses and inconveniences sustained by a number of the citizens thereof, by reason of their slaves absconding from their service and secreting themselves in the neighboring states, and hoping for that co-operation and assistance which from our political union we owe to each other. Copies of the letter and its enclosures will herewith be laid before you by the secretary of the state, as the case appears to me to claim the particular attention of the legislature.

THOMAS M'KEAN.

Lancaster,
February 11, 1801.

Proclamation warning Intruders against Settling
Certain Lands in the Western Part of the State.

Pennsylvania, ss:

I IN THE NAME AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania.

By THOMAS M'KEAN, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas provision was heretofore made by an Act of the General Assembly passed on the eleventh day of April in the year 1795, to prevent and punish intrusions upon lands within the limits of the Counties of Northampton, Northumberland and Luzerne; and also to prevent and punish conspiracies for

the purpose of conveying or settling on any lands within the said limits under any half share right or any other pretended title not derived from the authority of the Commonwealth, or of the late Proprietaries of Pennsylvania before the Revolution or for the purpose of laying out Townships within the said limits by persons not appointed or acknowledged by this Commonwealth: And Whereas further provision has been made by an Act of the General Assembly passed on the sixteenth day of February in the year 1801 more effectually to prevent and punish any of the offences aforesaid committed in relation to the same lands now lying within the Counties of Wayne, Northampton, Luzerne, Northumberland, or Lycoming: To the intent therefore that the provisions of the said Acts of the General Assembly may be duly enforced, and in compliance with the requisitions thereof I have issued this Proclamation, Hereby forbidding all future intrusions on the lands within the limits of the said Counties of Wayne, Northampton, Luzerne, Northumberland or Lycoming and enjoining and requiring all persons who have intruded on any lands contrary to the provisions of the said first recited Act to withdraw peaceably from the lands whereon such intrusions have been made: And all Officers of the Government and all good Citizens of the Commonwealth are further hereby required and enjoined to prevent or to prosecute by all legal means such intrusions and intruders, and to render in their several capacities the most prompt and effectual aid for carrying into full execution the provisions of the said recited Acts of the General Assembly.

Given under my hand and the Great Seal of the Commonwealth at Lancaster this fourteenth day of April in the year of our Lord one thousand eight hundred and one and of the Commonwealth the twenty-fifth.

By the Governor,

THO. M'KEAN.

James Trimble,

Deputy Secretary of the Commonwealth.

Proclamation Announcing the Election to Congress
of William Hoge and Isaac Van Horne.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania. By THOMAS
M'KEAN, Governor of the said Commonwealth.

A PROCLAMATION.



Whereas it is provided in and by an Act of the General Assembly entitled "An Act to provide for the election of Representatives of this State, in the Congress of the United States," that the Governor having received the Returns from the Sheriffs of the City and County of Philadelphia and the respective Sheriffs of the several counties of this Commonwealth shall declare by Proclamation the name of the person or persons to him returned as duly elected in each respective District. And whereas it appears from Returns of Elections held in the district composed of the Counties of Bucks, Montgomery, Northampton and Wayne, and in the district composed of the Counties of Washington, Greene, Allegheny and Crawford in pursuance of writs issued by me for that purpose that Isaac Vanhorne has been duly elected in the former and William Hoge in the latter district to serve as Representatives of this State in the House of Representatives of the Congress of the United States for said Districts to supply the vacancies occasioned by the resignation of Peter Muhlenberg and Albert Gallatin, Esquires.

Now therefore I have issued this Proclamation hereby publishing and declaring that the said Isaac Vanhorne and William Hoge are duly elected and *_____ Representatives of the People of this Commonwealth in the House of Representatives of the Congress of the United States, for and during the remainder of the

terms respectively for which the said Peter Muhlenberg and Albert Gallatin were elected to serve.

Given under my hand and the Great Seal of the State at Lancaster, the fifth *——— day of November in the year of our Lord one thousand eight hundred and one, and of the Commonwealth the twenty-sixth.

By the Governor,

T. M. Thompson, Sec.

Opening Address to the Assembly—1801.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

IT IS WITH THE HIGHEST SATISFACTION that I address you, at a period the most auspicious in the affairs of America, that has occurred since the termination of our revolutionary contest. Contemplating our domestic scene, recent events have proved, that the great body of the people remain faithful to republican principles and institutions; the independence and liberties of the Union, have been confided to the guardianship of men of approved wisdom, worth and patriotism; and the prospect of returning confidence and harmony, already enlightens and animates the intercourse of social life.

Extending our view to foreign occurrences likewise, we find the United States at peace with all the world; and every friend to the rights and interests of humanity must rejoice in the conclusion of the war, which has so long and so extensively afflicted the nations of Europe.

To aid in perpetuating the blessings, which a beneficent Providence has thus bestowed upon our country, is

*Original mutilated.

an important and honourable duty, particularly incumbent upon all who are placed in stations of public trust.

From you therefore Gentlemen, our fellow-citizens may justly expect a zealous and successful exertion of the Legislative authority; and on my part, I promise a cordial co-operation. The spirit of party and the pride of opinion, will no longer, I am confident, embarrass the transaction of business; but the common effort of all the departments of Government will be directed, in uniform with the obvious sentiments of our constituents, to maintain our republican systems, to inculcate virtue, to advance knowledge, and to reward industry.

In the communications that were made to your predecessors, I stated the principal objects which required Legislative attention; but an anxious sense of the importance of an immediate reform in the judiciary department impels me to repeat, that the administration of justice must soon become inefficient, unless the number of the Judges of the supreme court shall be increased, and the courts of common pleas shall be re-organized upon a plan more adequate to the state of population and commerce. A revision of the election-law, for the purposes of the State government, and the introduction of a permanent election-law, for the purposes of the Federal government, are matters of too much moment to be neglected; and I flatter myself, that the success which has accompanied my endeavours to improve the discipline of the militia will ensure your assistance, in whatever shall be further necessary to the accomplishment of that object. The institution of public schools, and the establishment of a form of action for prosecuting suits against the State, are arrangements which the constitution expressly devolves on the wisdom of the Legislature.

In connection with the other improvements of the judiciary department, the law for regulating juries will deserve consideration; and some provision should be

made to obviate the growing inconvenience and expense which proceed from an increase of the prisoners in the jail of Philadelphia, and the removal of convicts from the different counties of the state to the city.

While I call your attention to the health-law, in order to recommend that measures should be taken to remove, in its operation, any reasonable dissatisfaction on the part of the state of Delaware, and to apportion more justly the punishments to the offences specified in the law; permit me to add a congratulation upon the health that the city has uninterruptedly enjoyed during the present year; a blessing which, under the favour of Heaven, may doubtless in a great degree be ascribed to the vigilance of the board of health, and of the officers of the lazaretto.

I cannot omit suggesting the propriety of a law at this time, to enable aliens to purchase and hold lands in the same manner as citizens. It appears also to be necessary to extend the time for patenting lands, from the first day of January next, for two or three years, on account of the present pecuniary embarrassments of the western inhabitants.

The several executive duties which devolved on me during the recess of the General Assembly, have been promptly and carefully performed. Among these it is proper to mention, that the contracts, for the purchase of the remaining moiety of the arms to supply the militia, have been made upon very advantageous terms, more than twenty thousand dollars cheaper than the purchase of the first moiety; that many of the arms have been already delivered, and that the whole will probably be finished in the course of the ensuing Summer. Contracts have also been entered into for improving the navigation of the Susquehanna, from Wright's ferry to the Maryland line, and the work has been far advanced; but, to ensure its execution, an additional grant of about two thousand dollars will be requisite. Regard-

ing it as important, I employed a skilful engineer, to make a chart of the navigable channel between the two points embraced by the contract; and I recommend a provision for continuing the draft to the heads of the main branches of the river, as an object of great public utility.

The resignation of the Commissioners, originally appointed to execute the act for settling the unhappy controversy, in relation to the seventeen townships of Luzerne county, unavoidably occasioned some delay in that business; but it is probable that their successors (who have evinced great assiduity, abilities and fidelity for the task) will bring it to a satisfactory termination before the close of the next year.

Gentlemen of the House of Representatives:

The officers of accounts will exhibit to you a general view of the finances of the Commonwealth. Though, on the one hand, you will perceive, that the existing revenue is insufficient to defray the expenses of the Government; you will derive consolation, on the other hand, from the abundant resources, which the prosperous condition of the State presents for your immediate assistance. Besides the ordinary appropriations for the current year, you will deem it proper to supply the omission of a special appropriation for the last year's expenses of the Executive Department; and permit me to observe, that contingencies frequently impose an official expense on the Governor, which ought to be borne by the public. Repeated visits from Indian chiefs, on affairs interesting to the community, have occurred since my administration; and in a late instance I have been able, at some expense and trouble, with the benevolent co-operation of a few respectable members of the society of Friends, to mediate between two neighbouring tribes, of the Senaca and Muncy Indians, so as to avert the hostilities with which they violently menaced each other.

In the course of your fiscal investigations, you will find, that, entertaining a suspicion that certain certificates of state debt, which were presented for payment, had already been redeemed: I directed an enquiry into the subject, and the result will now be communicated to you, in the report of the present Comptroller-General.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

The documents that are necessary for your information, on the various topics to which I have referred, will be presented by the Secretary: and be assured, that I shall be solicitous in every other respect to facilitate your deliberations and to expedite the transaction of the public business. With a just sense of what is due to our constituents and to ourselves, I anticipate, from the example of the present session, all that is necessary to demonstrate that Pennsylvania, guided by councils proceeding immediately from the people, is faithfully federal and firmly republican.

THOMAS M'KEAN.

Lancaster, December 5, 1801.

To the Assembly announcing the resignation of Mr. Dallas and the appointment of Mr. Thompson as Secretary of the Commonwealth.

Gentlemen:

IT MAY BE PROPER TO INFORM YOU, THAT, IN consequence of the resignation of Alexander J. Dallas, Esquire, which I much regret, I have appointed and commissioned Thomas M'Kean Thompson, to be Secretary of the Commonwealth; agreeably to the fifteenth section of the second article of the Constitution.

THOMAS M'KEAN.

Lancaster, 5th December, 1801.

To the Assembly announcing the enactment of a bill to tax the office of Prothonotary or Clerk of the Supreme Court.

Gentlemen:

THE BILL, ENTITLED "AN ACT TO TAX THE Office of Prothonotary, or Clerk of the Supreme Court," which was presented to me near the close of the last Session, has not been sent back, within three days after your present Meeting; so that it is now become a law. I have directed it to be returned to the House of Representatives, in which it originated.

This is intended as an additional evidence of the deference I pay to the opinion of the Legislature, by preferring it to my own.

THOMAS M'KEAN.

Lancaster, December 5, 1801.

To the Assembly concerning Doctors Binney and Jackson, sureties of John Nicholson.

Gentlemen:

IT HAVING APPEARED TO ME, THAT THE former Comptroller-general, John Nicholson, Esquire, deceased, became indebted to the Commonwealth, in a Sum of Money, exceeding one hundred thousand dollars, received in the exercise of his Office; and that he had died insolvent; I inquired after the Securities he had given, for the faithful execution of his Office, and have ascertained, that, on the 9th day of May, 1785, he entered into an Obligation to the Commonwealth, in the penal Sum of five thousand pounds, Barnabas Binney and Matthew Irwin being his Sureties for that purpose; and that he again executed another Obligation, in the like Penalty, with Blair Mc-

Clenachan and David Jackson as his Sureties, on the 27th March, 1789, for the same purpose; and, lastly, on the first day of September, 1791, he executed another Obligation, in the same penal Sum, with Blair McClenachan and David Jackson as his Sureties, for the faithful discharge of the same Trust.

Investigating this Business farther, I learned, that Doctor David Jackson, being Executor of Doctor Binney, and Guardian of his Children, had obtained from Mr. Nicholson, with a view to the Indemnity of himself and Doctor Binney, divers Evidences of Debts of this State, due to Individuals, amounting to more than the Penalties in the two Obligations, in which they had become Sureties. I thereupon directed the Register-general to write to the Executrix of Doctor David Jackson, Esquire, late deceased, and to propose to her an Indemnification against the Bonds or Obligations entered into by the Testator and Doctor Binney, as Sureties, on condition of the delivery of the Evidences of State Debts, in her possession, to the Register and Comptroller-generals; provided they should amount to the Penalties in the two Bonds. This proposition has been agreed to, and Certificates of State Debt, and Unfunded Debt, to the amount, in Principal and Interest, of Dollars 37,714 61-100, are offered, in case the Representatives of David Jackson, Esquire, and Doctor Barnabus Binney, shall be indemnified against their Obligations, as Sureties for Mr. Nicholson.

The Defaults of John Nicholson, Esquire, the former Comptroller-general, have taken place after the 1st September, 1791; and therefore, I should, without hesitation, have complied with the offer made, had it not occurred during the Session of the Legislature; to whose wisdom I now submit it.

The Secretary of State will lay before you, Copies of the most interesting Papers I have obtained, respecting this Business.

I embrace this opportunity of also transmitting to you a Copy of a Letter from his Excellency the Governor of North Carolina, covering certain Resolutions of the Legislature of that State.

THOMAS M'KEAN.

Lancaster, January 29, 1802.

To the Assembly vetoing bills concerning the incompatibility of holding at the same time certain State and Federal offices.

Gentlemen:

I HAVE READ AND CONSIDERED THE ACT OF the General Assembly, entitled, "An Act declaring the holding of Offices or Appointments under this State, incompatible with the holding or exercising Offices or Appointments under the United States." I have reconsidered and deliberated most seriously its operation and do not approve it. I have directed it to be returned to the House of Representatives, in which it originated, together with my objections, which are as follows, to wit:

1. Since the present Constitution of Pennsylvania was established, on the second day of September, 1790, until this period, no complaint or application has been made, by petition or otherwise, to any branch of our Government, suggesting that any Officer under the Government of the United States, or Member of Congress held an Office in this State, that was supposed to have a tendency to affect the sovereignty or freedom thereof; from which I conclude, that the separation made by the Constitution, between the Government of the United States, and of this State, with respect to the administration of their respective powers, has been

carried far enough, and is perfectly satisfactory to the People.

2. I cannot conceive a reason, for introducing such an Act at this time, when the good People of this Commonwealth can entertain no apprehensions of a wish, of the present providential and most fortunate representation, in the Executive and Legislative Departments of our national Government, to impair the constitutional sovereignty of the individual States.

It appears to me to intimate an unreasonable jealousy and distrust, not only of the virtuous and great Chief Magistrate of the Union, but also of the Chief Magistrate of Pennsylvania; both chosen by the People themselves, and known to be unequivocally disposed to secure and promote their happiness.

3. Because, a few months ago, I persuaded a Gentleman, not less distinguished for probity than talents, to accept the Commission of Recorder of the City of Philadelphia, during his good behaviour, though then Attorney of the United States for the Eastern District of Pennsylvania; in the holding of which, at the same time, I am not happy enough to discover any collision or incompatibility; and therefore it must appear very extraordinary indeed, in me, to co-operate in an Act that declares his Commission shall not only be vacated, but, if he exercises the Office for a time, he shall be considered as a Criminal, when there has not been, nor can be, even the slightest suggestion of misbehaviour or incapacity.

4. There are at present, in my recollection, but two Gentlemen of this State, who have been appointed by me, that can be affected by this Act: One has been mentioned; another, a Member of Congress, was lately appointed resident Physician at the Lazaretto. What possible evil can arise to Pennsylvania from these ap-

pointments, I do not comprehend; especially when it is considered, that these Gentlemen have been distinguished for patriotism, talents, and attachment to our revolutionary and republican Principles. It will be very difficult to find a Gentleman of the Law, qualified for the office of Recorder of the city of Philadelphia, that has not been admitted to practice in some of the Courts of the United States, and all such are excluded by this act; nor can I perceive the danger to be apprehended for the liberties of the State, from the same person officiating as Constable, &c., under both branches of our Government.

5. I conceive the Act to be not only unnecessary and inexpedient, but in the precedent, alarming to all persons holding offices during good behavior. The tenure of such Commissions ought not to depend on every gale that blows. The Legislature cannot vacate or impair a contract solemnly made between the Commonwealth and an individual. Having even the power, will not sanction it. Besides, as at present advised, I very much doubt its constitutionality. The office may be abolished in many cases; but the Officer cannot be removed, without being convicted of a misdemeanor in office, unless, where otherwise specially provided in our State Constitution; and I cannot, from a confidence in the legal knowledge, integrity, and fortitude of my former Brethren in the Supreme Court, risque my character in a judicial decision on this question, when I do not foresee any advantage to be derived to my Country from a possibility of success. What conscience warns me not to do, I must avoid, however anxious to gratify a Legislature, by me so much respected and esteemed.

THOMAS M'KEAN.

Lancaster, February 3, 1802,

To the Assembly concerning a Report of the Agent to Investigate Intrusions upon the State Lands in Western Counties, and Concerning the Report of the Militia.

Gentlemen:

THE SECRETARY WILL LAY BEFORE YOU Copies of the Report of Colonel Horne, Agent to investigate and inform of certain Offences against the Laws for preventing Intrusions in the Counties of Northampton, Wayne, Northumberland, Luzerne and Lycoming. The Jurors in Luzerne County are, in general, so influenced by interest, family connection, and ancient prejudices, that a pure and impartial Administration of Justice cannot, in many cases, be attained: And an irruption of unlawful Intruders into some of these Counties, in the ensuing Spring, has been threatened, and is seriously to be apprehended.

The Agent found it impracticable to discharge the Duties enjoined upon him, in the five Counties, without Assistants; for whom I wish an express Compensation to be provided, by Law; as they have been hitherto unpaid.

A further legislative Interposition, in the Premises, appears to me to be necessary: And, as it is the most humane method of preventing and correcting the Offences contemplated, and may probably prove effectual; so, I rest assured, it will not be omitted.

I have also directed Copies of the general Return of the Militia, by the Adjutant-general, amounting to 88,707 enrolled and effective Men, between the ages of 18 and 45 years; and a Report on the situation of the Public Arms; to be presented herewith, for your Information.

THOMAS M'KEAN.

Lancaster, Feb. 15, 1802.

Proclamation of Reward for the Murderers of Peter
Bechkercher.

Pennsylvania, ss:

IN THE NAME AND BY THE AUTHORITY OF
the Commonwealth of Pennsylvania.

By THOMAS M'KEAN, Governor of the said Commonwealth.

(Signed.) Tho. M'Kean.

A PROCLAMATION.



Whereas I have received authentic information, that on the evening of the eighth instant, a certain Peter Bechkercher was between the centre Engine House and the Middle Ferry of Schuylkill, within the limits of

_____ * Unknown and what

_____ the peace and security _____
_____ and humanity require, that the perpetrators of an offence so atrocious should be speedily discovered and severely punished. I have therefore thought it proper to issue this Proclamation, hereby offering a reward of one hundred dollars, in addition to four hundred dollars offered by the Mayor of the said City, to any person or persons, who shall discover, apprehend, and secure the persons or person who were guilty of the murder committed as aforesaid to be paid upon the conviction of the murderers or any of them. And I do hereby promise a free and full pardon to any one of the said murderers (the principal person concerned therein only excepted) who shall discover, apprehend and secure the said principal person, or any other, or others of the said murderers, so that he or they shall be convicted as aforesaid. And I do hereby require and command all Judges, Justices, Sheriffs,

*Proclamation mutilated in blank spaces,

Coroners, Constables, and other Officers, according to the duties of their respective Offices and stations, to be vigilant in enquiring after and bringing the said Murderers and every of them to Justice.

Given under my hand, and the Great Seal of the State at Lancaster, this twenty-sixth day of February in the year of our Lord one thousand eight hundred and two, and of the Commonwealth the twenty-sixth.

By the Governor.

Proclamation promulgating an Act of the Assembly regarding the Intrusion of the Connecticut Immigrants in the Western Part of the State.

Pennsylvania, ss:

BY THOMAS M'KEAN, GOVERNOR OF THE Commonwealth of Pennsylvania.

(Signed.) Tho. M'Kean.

A PROCLAMATION.



Whereas in and by the fifth Section of an Act of the General Assembly, entitled "An Act to maintain the territorial rights of this State and to protect the property of persons holding lands under the same," passed the sixth day of April last the Governor is authorized and required to make known the contents thereof by proclamation and to enjoin obedience thereto which said Act is expressed in the following words: "Whereas certain persons under the pretence of title derived either from the State of Connecticut or from certain companies known by the names of the Connecticut Susquehanna Company and the Connecticut Delaware Company to a considerable extent of ter-

ritory within this state have by various improper practices long endeavoured to defeat the execution of the laws of this State and to defame the titles of persons holding lands by grants from this State or the late Proprietaries before the revolution in order therefore to counteract such practices and to preserve the just rights of this State.

Section I. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of May next no conveyance to be made of any land within the counties of Luzerne, Lycoming and Wayne shall be good or effectual to pass any right, title, estate or interest or claim whatever either at law or in equity unless the title to the land in such conveyance shall expressly refer to and recite the substance of the warrant, survey, patent or title under which the same is so derived from this State or the late Proprietaries thereof before the said fourth of July one thousand seven hundred and seventy-six. And if any Judge or Justice shall take an acknowledgment or proof of or any Recorder of Deeds or any other person shall record any deed which shall not have been derived as aforesaid he shall forfeit for every offence the sum of two hundred dollars which forfeiture shall be recoverable by action of debt in any court of record in this State the one-half thereof to the use of the Commonwealth and the other half thereof to the person who shall sue for the same and such acknowledgment and recording shall be void and of no effect and every such recorder of deeds so offending shall forfeit his office: Provided always that nothing herein contained shall be so construed as to make valid any conveyance heretofore made of any pretended title or claim to land under the colony or State of Connecticut or either of the Com-

panies known by the names of the Connecticut Susquehanna or the Connecticut Delaware Company."

Section II. "And be it further enacted by the authority aforesaid, That no person in any manner interested in the said pretended title or claim under the Colony or State of Connecticut or either of the said Companies shall sit as a Judge or serve as a juror in any cause civil or criminal wherein the said pretended claim or title shall or may directly or indirectly be brought into question and if any Sheriff shall summon any person or persons to serve as a Juror or Jurors who are directly or indirectly concerned or interested in any Connecticut title knowing him or them to be so concerned or interested such Sheriff on conviction thereof shall be fined in any sum not exceeding five hundred dollars to be recovered as other fines and forfeitures are recoverable by law.

Section III. And be it further enacted by the authority aforesaid that none of the penalties or disabilities created by the present act except so far as concerns any Judges, Sheriffs or Jurors shall relate to lands or the claimants of land within the seventeen townships of Luzerne County or any of them so far as concerns any act of their respecting lands within the said townships which have been or may hereafter be duly submitted according to Law under the provisions of an act of the General Assembly of this Commonwealth passed on the fourth day of April, one thousand seven hundred and ninety-nine, entitled "An Act offering compensation to Pennsylvania claimants of land within the seventeen townships in Luzerne County and for other purposes therein mentioned," or any supplement thereto.

Section IV. And be it further enacted by the authority aforesaid, That any person who shall from and after the first day of June next bargain, sell or convey or by any ways or means obtain, get or procure any pre-

tended right or title or make or take any promise, contract, grant or covenant to have any right or title of any person or persons in or to any lands, tenements or hereditaments within this State under the said pretended title from the State of Connecticut or either of the said companies shall forfeit the sum of two hundred dollars which forfeiture shall be recoverable by action of debt in any court of record in this Commonwealth the one-half thereof to the use of the Commonwealth and the other half to the person who shall sue for the same and such promise, contract, grant or covenant is hereby declared to be utterly void and of no effect.

Section V. And be it further enacted by the authority aforesaid, That the Governor is hereby authorised and required to make known the contents of this Law by Proclamation and to enjoin obedience thereto."

Now therefore in compliance with the request and in pursuance of the authority to me by law given as aforesaid I have issued this Proclamation hereby in all things enjoining obedience to the provisions in the said Act of the General Assembly contained.

Given under my hand and the Great Seal of the State at Lancaster, the fifteenth day of April, in the year of our Lord one thousand eight hundred and two and of the Commonwealth the XXVIth.

By the Governor,

T. M. Thompson, Sec.

Proclamation of an Act to Settle the Controversies
Concerning Certain Lands in the Western Part of
the State.

Pennsylvania, ss:

(Signed.) Tho. M'Kean.



I N THE NAME AND BY THE AU-
thority of the Commonwealth of
Pennsylvania.

By THOMAS M'KEAN, Governor
of the said Commonwealth.

A PROCLAMATION.

Whereas, agreeably to the directions of the Act of the General Assembly of this Commonwealth, issued the second day of April, in the year of our Lord one thousand eight hundred and two, entitled "An Act to settle the controversies arising from contending claims to Lands within that part of the territory of this Commonwealth, north and west of the river Ohio and Allegheny and Connewangs Creek, a majority of the Judges of the Supreme Court of this Commonwealth, met together on the twenty-fifth day of June last, and devised the form in which the questions, in the said Act stated, should be brought to a hearing and decision before a Court and Jury; and have certified and transmitted the same to the Governor of this Commonwealth, in manner following, to wit:

They direct, that an Action be entered on the records of the Supreme Court Wherein the Attorney-General shall be the plaintiff, and the grantees under the Act of the third of April, 1792, shall be Defendants: And that a Declaration be filed by the Attorney-General against the Defendants, as on a warger, embracing the questions proposed by the said Act of Assembly of 1802; to which declaration he shall enter the pleas of non-assumpsit and payment with leave to

give the special Matters evidence; and likewise enter the proper replication and join the issues.

And that any person or persons claiming as a Settler or Settlers under the said Act of April, 1792, and Alleging that his or their claims may be affected by any warrant, patent or grant made or issued in pursuance of the same act, shall be admitted to become a party or parties on the part of the defendants. And the said Judges do further direct, that a precept, in the Nature of a Venire facias, shall be issued by the Prothonotary of the Supreme Court, directed to the Sheriff of the County of Northumberland, requiring him to summon the usual number of disinterested persons, inhabitants of the Counties of Northumberland or Lycoming, to appear at the Court-house of the town of Sunbury, in the said County of Northumberland, on the twenty-fifth day of November next, at ten of the Clock in the forenoon, to make a jury of the Court to try the issue or issues directed by the first above-receipted Act of Assembly to be there tried.

And the said Judges do further direct, that a Subpoena shall issue from the Office of the Prothonotary of the Supreme Court to the Secretary of the Land-Office, to appear and attend at the said trial; bringing with him all such books, papers, and documents as he shall think material to be produced and consulted thereat; And that other Subpoenas may be likewise issued by the said prothonotary, or by the Clerk of the circuit court of the County of Northumberland, or by any other Clerk of any other Circuit Court within this State, for all or any Witnesses that he or they may be required to issue, by any persons or persons proposing to become a party or parties to the said Suit.

And Whereas an Action is entered on the records of the Supreme Court, wherein the Attorney-General is Plaintiff, and the Grantees under the Act of the third of April, 1792, are Defendants; and a Declaration is

filed by the Attorney-General against the Defendants as on a wager, embracing the questions proposed by the Act of Assembly of 1802, as aforesaid; to which declaration the said Attorney-General has entered the pleas of non-assumpsit and payment, with leave to give the special matters in evidence, and the proper replications, and joined the issues, agreeably to the direction of the said Judges.

And whereas a precept in the nature of a Venire facias, is issued by the Prothonotary of the Supreme Court, directed to the Sheriff of the County of Northumberland and a Subpoena is issued to the Secretary of the Land-Office, to appear, &c., agreeably to the direction of said Judges.

Now, notice is hereby given, that all persons whom it may concern, either as parties or Witnesses, may appear at the time and place aforesaid, to make their claims, or take defence as parties or to give evidence as Witnesses on the trial aforesaid.

Given under my hand and the Less Seal of the State at Lancaster, the twenty-ninth day of July, in the year of our Lord, one thousand eight hundred and two, and of the Commonwealth the twenty-seventh.

By the Governor,

T. M. Thompson, Sec.

To the Assembly vetoing "An act for the recovery of debts not exceeding one hundred dollars, and to direct the manner of choosing constables within this Commonwealth.

Gentlemen:

THE BILL, ENTITLED "AN ACT FOR THE RECOVERY of debts not exceeding one hundred dollars, and to direct the manner choosing constables within this commonwealth," was presented for my consideration on the day preceding the termination of the last session of the Legislature; but, from the unavoidable pressure of other important business, it has been impossible earlier to communicate my sentiments upon the subject. After serious deliberation, however, I have now directed the Secretary to return the bill to the Senate, in which it originated, with the following objections against its being enacted into a law.

1. Because the jurisdiction, proposed to be assigned by the bill to justices of the peace, tends to render the office of a justice an instrument of oppression. The bill proposes to give cognizance "to the mayor, or any alderman of the city of Philadelphia, or justice of the peace within this commonwealth, in all actions or suits for debts, trespasses or injuries, not exceeding the value of one hundred dollars;" with an exception as to certain specific actions. The amount of the sum in dispute, as well as the nature of the suits on which the jurisdiction is given, will embrace most of the controversies that arise amongst the poor. In many cases, the decision of the justice will affect the all of a worthy citizen and his family. A jurisdiction of such extent, operating upon the property and liberty of the people, ought certainly to be exercised with judgment and impartiality. But the truth is, that the bill under consideration would devolve the

jurisdiction, generally speaking, upon persons of incompetent skill in the law, (whose judgments will nevertheless be subject to revision in courts of law) and, without the aid of a jury, to investigate and determine facts. Instead of a public tribunal, where the judge is exposed to constant observation, a private room will be substituted for the trial of causes. Instead of independent judges, employed by the public to hear and settle the differences between suitors, magistrates must be engaged, whose emoluments will depend upon the issue of the suit, and the competency of the party to pay a bill of costs. Instead of legal evidence referred to a jury, vague and partial statements, exhibited to the magistrate, will be the test of truth. Thus the will and pleasure of a justice of the peace constitutes a legal decision; no reference is made to the impartiality of a jury; the magistrates are placed in a state of rivalry for business; litigious plaintiffs insensibly create a bias in their favour, and the unfortunate or impoverished defendant is exposed to accumulating prejudice and persecution. "Every new tribunal (says Judge Blackstone in the third volume of his Commentaries, page 380) erected for the decision of facts, without the intervention of a jury, (whether composed of justices of the peace, commissioners of the revenue, &c.) is a step towards establishing an aristocracy, the most oppressive of absolute governments." And therefore among other things (concludes the same author) "it is above all, a duty which every man owes to his country, his friends, his posterity and himself, to guard with the most jealous circumspection against the introduction of new and arbitrary methods of trial, which, under a variety of pretences, may in time imperceptably undermine the trial by jury; the best preservation of liberty."

2. Because the extended jurisdiction, proposed to be assigned by the bill to justices of peace, does not naturally flow from the principle upon which the cognizance of suits was originally given to single magistrates, and it tends to increase, instead of diminishing the spirit and expences of litigation.

The ease and convenience of the poorer classes of the community gave occasion to the first law of this kind, and the same inducements ought to influence all the subsequent regulations upon the subject. In the year 1745, the jurisdiction of a single magistrate, in civil suits, was limited almost entirely to debts, and in the value of the matter in dispute to five pounds. It is remarkable likewise, that the costs of prosecution in the common pleas are not greater now (even nominally) than they were at that remote period of our judicial institutions. But, when matters of law are decided by a magistrate, unacquainted with the science; and when matters of fact, including the power of assessing damages for trespasses, &c., are settled without the intervention of a jury, (the best investigators of truth and the only safe guardians of public justice) the temptations to an appeal will be irresistible; the costs of the court of appeal will always be added (unless indeed where the poor are obliged to acquiesce) to the charges of the magistrate, and eventually both parties will probably incur a greater expence than the value of the matter originally in controversy.

3. Because the jurisdiction proposed by the bill to be assigned to justices of the peace tends to elude, if it does not directly violate a constitutional provision. It is declared, that, "trial by jury shall be as heretofore," but that cannot be the case if, according to the principle on which the bill is founded, the original jurisdiction of all suits shall be exclusively assigned to a single justice, and only an appellate jurisdiction be reserved for a jury. Again, the right

of trial by jury was intended to be secured to the citizens in civil as well as in criminal cases; but the right may be as effectually defeated by the mode prescribed for its enjoyment, as by an absolute refusal to allow it. Let it be remarked, that the appeal must be made after judgment has been rendered, it cannot be allowed, till security is entered for the payment of the debt, and it inevitably falls on the party (perhaps the already injured party) in a heavy accumulation of costs. Were it proposed to abolish the trial by jury in the courts of common pleas, every citizen would at once exclaim against so obvious a departure from the wholesome maxims of our ancestors; and yet where is the substantial difference between that proposition and a legislative transfer of the jurisdiction of the court to a single justice, who decides upon every cause without the intervention of a jury? In short, on so interesting a subject it would be unwise further to indulge the spirit of innovation. The subtleties and refinements, which might enable us to undermine the trial by jury in civil cases, may in worse times be successfully applied to deprive the community of that inestimable benefit in criminal accusations. Already we perceive the evil effects of a first deviation, however slight, from this sacred principle of jurisprudence; and every friend to a free government will take the present opportunity to reflect upon the danger of successive precedents, which, originating in the judicial departments, may insensibly and irretrievably accustom the people to the exercise of all the power and authority of the state, by a permanent body of magistrates.

4. A provision should have been made, that the parties might be heard before the magistrate by counsel; for it falls to the lot of few men to state and argue their own cause to the best advantage, and the

suitors will in general be very unequal in talents. One of the objects of the bill appears to be, the saving of costs; but whether it will have the effect intended, is questionable, and if it should, whether it would be advantageous to society: for moderate costs, in suits, operate not only as a compensation to officers for their time, pains and skill, but also as a mulct or punishment on the wrongdoer.

THOMAS M'KEAN.

Lancaster, December 9th, 1802.

Opening Address to the Assembly—1802.

Gentlemen of the Senate and Gentlemen of the House of Representatives:

AMIDST THE VARIOUS BLESSINGS, WHICH Providence has bestowed upon our country, we have occasion to remark, with submissive reverence, the alloy of sympathy and care, that mingles with every portion of human happiness. Thus, while we gratefully contemplate the progress of improvement, wealth and population in Pennsylvania; the exertions of a wise and patriotic administration, to advance the honor and prosperity of the Union; and the effect of the recent general peace, in restoring confidence and security to intercourse with foreign nations; we are doomed to deplore the ravages of the calamity, that has again afflicted the city of Philadelphia; and to deprecate the fatal tendency of party feuds, to disturb and destroy the harmony of society.

Although the mortality of the malignant fever has not been so great in the present year as during former visitations, (the number of victims not exceeding three hundred) the appearance of the disease has not

been less injurious to the city, in producing terror and dispersion; in suspending the pursuits of industry; and in obstructing the operations of commerce. To prevent the recurrence of an evil so dreadful in itself, and in its consequences threatening the ruin of our capital, every resource of legislative wisdom and liberality should be employed. As therefore the limitation of the existing law, for establishing the health office, must soon bring the subject into review, permit me to urge the necessity of framing and substituting a system of greater energy and responsibility. While we do justice to the board of health, as well as to the physicians of Philadelphia (whose practice, upon every emergency, has done credit to their hearts, to their profession and to their country,) let us remember, that it is inconsistent with the true policy of government, in any case to expose the interest of individuals to a conflict with their duty; or to rely on mere voluntary services for the execution of a trust, which cannot be performed without personal hazard, nor be neglected without public inconvenience. By judicious precautions we may reasonably expect to avert the danger of an epidemic disease, at whatever avenue its approach may be apprehended. Nor am I without hope, that the spirit of a party to which I have alluded as a malady, that taints the mind and discolours the current of human actions, may also be extinguished, or allayed by the influence of your example.

Reflecting, gentlemen, upon the just principles of our political institutions, the equal division of property, the diffusion of useful knowledge and the common interest possessed by every citizen in the welfare and honor of the government, we find it impossible to trace a real, or a rational foundation for discord or discontent. But in the abuse of the noblest invention of man, the best preservative of civil liberty, a free press, we shall discover, I fear, the source of the la-

mented evil: for an unparalleled licentiousness, in publishing seditious and infamous libels, (levelling all distinction between truth and falsehood, between virtue and vice,) exposes our national character to contempt abroad, generates distrust and disaffection at home; and threatens finally to annihilate every benefit of this boasted medium of public information. It is time then that the good sense of our fellow citizens, aiding the authority of the magistrate, should interpose to rescue us from a tyranny, by which the weak, the wicked and the obscure are enabled to prey upon the fame, the feelings and the fortunes of every conspicuous member of the community. To preserve the liberty of the press, indeed, its licentiousness must be controuled and corrected; not only by the discipline of the laws, but by the morals and manners of the people. I pray you, gentlemen, therefore, to employ every opportunity to inculcate this interesting truth among our constituents; and, be assured, the detestation and discountenance of good men, manifested in private life, will prove more efficacious to purify and reform the press, than legislative acts, or judicial animadversion.

As powerful auxiliaries to any plan for improving the state of society, you will, doubtless, gentlemen, endeavour to diffuse the blessings of education among the poor, and to invigorate the administration of justice. The former object will claim your care, under the obligations of a constitutional injunction; and the latter presses upon your attention, with the force of the most imperious necessity. The defective organization of our courts, and the inadequate number of the judges of the supreme court, have become a public grievance, insomuch, that the inevitable delays of justice, from those causes alone, evidently amount to a denial. Nay, every advantage obtained, by the cultivation of our soil, or the extension of our commerce,

tends to increase the mischief, since it naturally increases the business of our tribunals. The industrious creditor is thus exposed to disappointment and ruin; the litigious debtor exults in the ready means of procrastination; citizens and foreigners unite in clamour and reproach; your governors in succession, anxiously call for redress. But let it be remembered, gentlemen, that after all, the remedy can be supplied, and can only be supplied by you.

Connected with the general objects of police, which have been stated, it may be expedient to revise the law for the suppression of vice and immorality, with a view to render the penalties more adequate to the prevention or punishment of the enumerated offences. But there are other matters, of a distinct and detached nature, that seem also to merit consideration. The great change which has taken place in the circumstances of the state, during the course of seventy years, suggests the utility of revising the ancient laws relative to clandestine marriages; and to the register of marriages, births and burials. Marriage and tavern licenses, whether regarded as instruments of police or of revenue, are at present imperfectly regulated. Some provision is wanting to compel, by a summary process, the speedy surrender of official books and documents, upon the removal of a public officer. The sale, or care of the public property, in Philadelphia, claims attention, and the safety of the records and papers of the land office, the rolls office, and the other public offices, is an object of great importance. But, gentlemen, no subject is more intitled to a liberal and constant share of legislative patronage, than the organization, equipment and discipline of the militia; which constitutes the only safe and certain resource of a free nation, against domestic intrigue and commotion, or foreign menaces and hostilities.

The preparation to qualify the citizens for the mili-

tary service of their country should be encouraged, and enforced by every rational means: the love of ease and the desire of gain will then be supplanted by a spirit of emulation, and a sense of honor. Every freeman will cheerfully contribute a portion of his time and his property towards the personal expense to be incurred; and the public treasure will be beneficially employed in supplying whatever else is requisite, to the permanent interests of the establishment. Our militia exhibits a muster roll of ninety thousand effective men. This great body is animated with a glowing attachment to the welfare of our country, and to the republican principles of our government. Efforts to acquire knowledge in the military art, and to promote general discipline, equipment and order are laudably displayed; but permit me to repeat, that the efforts of individuals, in such a cause, can never be completely successful without legislative aid. Measures have been taken, under the authority of the act of Assembly, to procure ordnance for the several brigades; but many other provisions will naturally occur to you as necessary to do justice to the expectation, as well as to enjoy the advantages of the patriotic militia of Pennsylvania.

During the recess, gentlemen, I have endeavoured to discharge the duties which were intrusted to me by the laws of the last session. Among these duties, it is proper particularly to mention that I have opened a correspondence with the governor of Maryland, respecting the tolls claimed by the Maryland Susquehanna canal company for navigating the bed of the river within that state, and have reason to expect an early and satisfactory reply. The nature of the subject will naturally lead to remark the exertions, which are making in our sister states, to improve the situations of their roads and rivers; and, I trust, that

cherishing the united interests of the city and the country, you will deem it expedient to devote a portion of your attention and of the wealth of the state to similar objects of public benefit.

The commissioners appointed on the business of the seventeen townships in Luzerne county, have proceeded with great diligence, prudence and fidelity; and they will probably complete the task assigned them in the course of the next year. The encroachments upon the soil and sovereignty of Pennsylvania in that quarter continue however to afford cause for indignation and alarm. Should the judicial authority be defeated in its legitimate endeavours to punish the delinquent intruders, and to protect the rights of property, I shall rely implicitly upon your support, in the decisive course which it will be the duty of the Executive Magistrate to pursue. The peace and honor of the government have been too long violated and insulted, by the lawless and arrogant combination of Connecticut claimants; and it is to be feared that the example may be productive of incalculable mischief in other parts of the state.

Gentlemen of the House of Representatives:

The officers of accounts will present to you a general view of the finances of the commonwealth. Tho' the expenditures of the Government are moderate, you will find it necessary to add something to your permanent revenue, in order to defray the demands for the ensuing year. A variety of objects which have recently been released from taxation, by the economy of the federal administration, can afford an abundant pecuniary supply; and I am persuaded that you will select for that purpose the least burdensome for our constituents. In making the estimate on the occasion, it is proper to apprise you, that so much of the six per cent. stock belonging to the state as was necessary,

at par valuation, to discharge the first instalment of the loan of one hundred thousand dollars from the bank of Pennsylvania, has been transferred to that institution.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

To the suggestions of your own wisdom, to the communications formerly made to the legislature and to the documents which the secretary will present, I refer for many other topics of public importance. But I cannot conclude this address, without acknowledging the additional motive to co-operate in all your patriotic labors, which is gratefully derived, on my part, from the recent evidence of the opinion and confidence of my fellow-citizens; a proof of approbation so liberal and so conspicuous, I might be fairly allowed to regard as a shield against the evils of detraction; as a triumph over all the toils and vicissitudes of public life; but its value is enhanced in my mind, when regarding it not as a personal tribute of applause, but as a popular recognition of political principles; it displays the glorious spirit of the American revolution, again active to perpetuate the blessings of a free republican government.

THOMAS M'KEAN.

Lancaster, December 11, 1802.

Acknowledgment of a Congratulatory Address of the
Senate.

Gentlemen:

THE SENTIMENTS RESPECTING MY ATTENTION to the duties of my station, expressed in your obliging address, claim my respectful acknowledgments, and the assurance you are pleased to give of your co-operation in every measure, that tends to further the interests and prosperity of the commonwealth, cannot be doubted by those who are acquainted with the present Senators of Pennsylvania.

THOMAS M'KEAN.

Lancaster, December 18, 1802.

Address to the Assembly on the Governor's re-election—1802.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

BY YOUR PUBLIC ACT OF THE EIGHTEENTH instant it is authenticated that my fellow-citizens have re-elected me, as their Governor for the three years next ensuing. In obedience to their will I have taken the necessary oaths to qualify me for the execution of the important trust. The approbation of my conduct in that station, for the last constitutional term, manifested by the votes, merits and receives my most grateful acknowledgments. A majority of more than thirty thousand free and independent citizens, have been pleased to sanction my late administration; and when I perceive myself surrounded by enlightened and virtuous co-adjutors in the government of the State, whom I call my personal friends, I am encouraged to hope, that our joint en-

deavors will still add to the security of liberty, property, and everything deemed valuable in society.

Heretofore the constitution and laws of the United States and of this State have been my constant guide, and the peculiar happiness of the inhabitants of Pennsylvania has been my chiefest care; I shall persevere in the same principles. The early education and unfounded prejudices, of some amongst us, inimical to a republican form of government, in a degree darkens our prospects and impedes our political movements; but I do not despair of reconciling even those to our system, by using reason, persuasion and lenient measures. In compliance with precedent, I have said thus much; I shall add no more, but that my time and talents, and all the powers I possess, shall be devoted to the service of my native State, and in alleviating the miseries, and increasing the comforts of my fellow-mortals.

THOMAS M'KEAN.

Lancaster, December 21, 1802.

Proclamation Continuing all Officers under Executive Appointment.

Pennsylvania, ss:

[Signature cut out.]



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania,

By THOMAS M'KEAN, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, the Speaker and members of the *
members of the House of Representatives of the
* Commonwealth of Pennsylvania

*Mutilated at the points left blank.

have duly certified that the said *_____ eighteenth day of December instant in the chamber of the House of Representatives in the Borough of Lancaster open and publish the returns of the late Election of a Governor of the said Commonwealth in the presence of both Houses of the Legislature conformably to the constitution of the said Commonwealth and that upon counting the votes by a Teller appointed from *_____ that Thomas M'Kean had a majority of votes .

Whereupon *_____ was declared to be duly elected Governor of the said Commonwealth, *_____ taken the oaths of office was accordingly on this twenty-first day of December proclaimed governor thereof.

Now in pursuance of the power and trust to the Governor of this Commonwealth by the Constitution and laws granted and confided and for preventing all failures in the Administration of Justice, I the said Thomas M'Kean have deemed it expedient to issue this Proclamation Hereby confirming and continuing all appointments made and all commissions heretofore lawfully issued, and which were in force on this day until the said Appointments & Commissions or any of them shall be by me superseded and annulled. And all officers holding appointments and commissions during the pleasure of the Executive Magistrate of this Commonwealth are required before the expiration of thirty days to enter into new Bonds with sufficient sureties for the faithful performance of their respective offices in such cases as the Laws require Bonds and Sureties to be given. And I do further direct and enjoin all public officers engaged in the several Departments of the government to proceed with diligence and fidelity *_____ and execution of the duties of their respective states, to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Lancaster the twenty-first day of December in the year of our Lord one thousand eight hundred and two and of the Commonwealth the twenty-seventh.

By the Governor.

[Signature cut out.]

Inrolled in the Rolls Office in Commission Book No. 1, 2d Page.

Witness my hand and seal of Office the 29th day of December, 1802.

[Signature cut out.]

To the Assembly transmitting certain documents.

Gentlemen:

THE Secretary will deliver to the respective Houses copies of the letter to me, from the honorable, the justices of the supreme court of this state, accompanied with copies of the proceedings, verdict and judgment in a special court, held before them at Sunbury, in the county of Northumberland, in pursuance of an act of the General Assembly, ch. 75, passed the second day of April last; at which court the attorney general, and two other gentlemen, learned in the law, attended as council in behalf of the commonwealth.

I also submit to your consideration, the subject matter of a letter which I have received from general William Irvine, superintendent of military stores of the United States, respecting an assessment of the arsenal on the Schuylkill near the city of Philadelphia, the property of the United States. I believe it has not

been usual to tax such property in any of the states, but it rests with the Legislature to decide thereon.

At the same time I have deemed it advisable to lay before you, copies of two letters, one from Mr. Elisha Tracy of Norwich, in the state of Connecticut, to Mr. Henry Drinker of Philadelphia; the other from John Franklin, esquire, a member of the House of Representatives, and a certain Samuel Avery, to the committee of Pennsylvania land-holders. The writers of these letters, would appear to set the laws and government of Pennsylvania, at nought, but, as the laws against intrusions, are constitutional and salutary, be assured, they shall be faithfully and promptly executed.

THOMAS M'KEAN.

Lancaster, January 4, 1803.

To the Assembly transmitting certain documents.

Gentlemen:

I HAVE HEREWITH TRANSMITTED COPIES OF a letter to me, from his excellency, John F. Mercer, Esquire, Governor of the state of Maryland, and of an act or resolution of the General Assembly of that state, respecting the navigation of the river Susquehanna, for your consideration. The measures adopted by that state and proposed to this, appear to be friendly, and for the interest of all concerned: they will, I trust, meet with your concurrence.

The Secretary will at the same time present you with copies of a sentence or decree of the honorable Richard Peters, Esq., judge of the district court of the United States, in and for the district of Pennsylvania, in a cause wherein Gideon Olmsted and others are libellants, against the surviving executrixes of the late

State-treasurer, David Rittenhouse, Esquire, deceased, respondents.

Having had knowledge of the cause and all the circumstances attending it twenty-four years ago, I cannot in duty to the commonwealth, silently acquiesce in some of the former or late proceedings therein. By the ingenuity exercised in this business, an act of Congress, an act of the General Assembly of the state, and a verdict of a jury, are held for nought; by a strained construction, the Treasurer of the state is converted into a stake-holder, and a sentence given in favor of the libellants, without any summons, notice to, or hearing of the commonwealth of Pennsylvania, the other only real party whose interest may be thereby affected to the amount of near fifteen thousand dollars.

The commonwealth not being made a party to the suit, cannot sustain an appeal to the supreme court of the United States; and resistance would be extremely disagreeable, though the whole process should be held as *coram non judice*, which must be the case, if it had been made a party, for by an amendment of the constitution of the United States of the twenty-first of December, one thousand seven hundred and ninety-three, it is declared, "that the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state;" and as this decree has been passed during the session of the General Assembly, to wit: on the fourteenth day of the present month, I have conceived it my duty to lay the affair before you, for advice and direction. The whole transaction will be satisfactorily understood by a reference to Dallas's reports—Volume 2, page 160, and to the decree itself.

THOMAS M'KEAN.

Lancaster, January 31, 1803.

To the Assembly transmitting certain documents and recommending an extension of the term for subscribing for shares of the Delaware & Chesapeake Canal.

Gentlemen:

I HAVE DIRECTED THE SECRETARY TO DELIVER to each House, copies of a letter from his Excellency John F. Mercer, Esquire, Governor of Maryland; and of a resolution of the Senate and House of Delegates of that state—together with a copy of an act of the General Assembly of said state, entitled “An act to incorporate a company to open a turnpike road from Fort Cumberland to the western side of the Laurel-hill, at or near Union-town,” for your consideration.

At the same time it seems proper to inform you, that the commissioners appointed by the act of the General Assembly, entitled “An act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes therein mentioned,” passed the nineteenth day of February, one thousand eight hundred and one, for the receiving and entering subscriptions at the city of Philadelphia, for the cutting the said canal, &c., have communicated to me, by their letter of the thirteenth instant, that all the shares subscribed for this purpose, in Pennsylvania, Delaware and Maryland, did not amount, on that day, to a number sufficient to entitle them to the benefit of the laws passed in these several states, respecting this work, by two hundred and ninety-nine.

As no subscriptions can be received after the first day of next month, in virtue of the act above mentioned, I would recommend an extension of the term

a few months longer, having reason to believe that this desirable object may be thereby attained.

THOMAS M'KEAN.

Lancaster, February 16, 1803.

To the Assembly concerning a report from the Secretary of the Land Office.

Gentlemen:

I HAVE RECEIVED A REPORT FROM THE SECRETARY of the Land-office, copies of which you are presented with by the Secretary of the state, which appears to me to require Legislative aid, to accomplish the desired purpose. The treasury has been too long deprived of about seven thousand dollars, by a culpable negligence of the persons to whom the patents and warrants belong, which are mentioned in the report; and efficacious means seem to be necessary for obtaining a speedy payment of this money.

THOMAS M'KEAN.

Lancaster, March 1, 1803.

Land Office,

Lancaster, February 28, 1803.

Sir:

By the report of the late Secretary of the Land-office to your excellency, dated the twenty-second of May, one thousand eight hundred, it appears there were on hand at that time, about eight hundred and twenty-one patents, signed and sealed, and ready to be delivered, the greater part of which are still in my office: Circular letters have been several times forwarded by the late Secretary, as well as myself, to the supposed owners of those patents, urging the necessity of an immediate discharge of the respective fees due thereon to the commonwealth, in some instances they have

been attended to, but have generally proved ineffectual.

Besides the patents on hand, there are many hundreds of warrants, made out for lands in different counties in the state under the acts of one thousand seven hundred and eighty-four, and one thousand seven hundred and ninety-two, on a great proportion of which, the purchase money has been paid to the commonwealth, and the warrants signed and sealed. On those which are signed and sealed, there is a considerable sum due as fees of my office for the use of the state. The state not only sustains a considerable loss in laying out of the amount of fees, but will probably be involved in future disputes with the owners thereof, who will be claiming a re-imbursement of the money paid as on unsatisfied warrants, when at the time they were made out, it is possible there was vacant land sufficient to satisfy them.

I have the honor to be,

With great consideration,

Sir,

Your most obedient servant,

Andrew Ellicott,

Secretary of the Land Office.

To the Assembly vetoing "An act to alter and amend the act, entitled 'An act to regulate the general elections within this Commonwealth.' "

Gentlemen:

I HAVE READ AND CONSIDERED THE BILL, entitled "An act to alter and amend the act, entitled "An act to regulate the general elections within this commonwealth;" and, after serious deliberation, do not approve it. The Secretary will return it to the House of Representatives, in which it originated, with my objections, which are as follows:

1. Because the education, laws, government and manners of the inhabitants of most of the European and other foreign countries, from whence migrations are made to the United States, are so different from ours, that it requires a considerable time to wean them from their prejudices and habits, as well as from the natural regard for their native soil; and to attach them to the constitution, laws and manners of their adopted country: what time may be deemed sufficient for these purposes, depends upon opinion; founded on history, observation and experience. The British Parliament, anterior to the American revolution, were of opinion, that seven years residence, even in the colonies, was necessary to qualify an alien for a subject; and he was always under certain disabilities, such as sitting in Parliament or in the Privy Council, and holding offices and grants of land from the crown, &c., within the kingdoms of Great-Britain and Ireland. Of the three last Congresses, who have acted on this subject, two have been of opinion, that five years residence in the United States was necessary for the purpose of naturalization, the other exacted fourteen. As Congress have had this matter under consideration during their late session, and have not thought it adviseable to shorten the period of probation, it appears to me, that a respectful deference is due to the wisdom and policy of such enlightened assemblies, and that their acts ought not to be departed from, without very striking and cogent reasons.

2. Although, on constitutional principles, I entertain no doubt, that the individual states may admit aliens, with or without residence, to purchase lands therein, and, after such residence as they may think proper, to elect or be elected into township or county offices, and to be capable of appointments to office in the executive or judicial departments of government; yet I must hesitate in saying, they can make them complete citizens;

and enable them to elect members of Congress, electors of President and Vice-President, of the United States, or even members of the state Legislature, as they appoint the Senators in Congress; or that they can exempt them from alien duties, or grant them any immunity in trade to foreign countries, without conforming to the uniform rule prescribed by Congress in their acts of naturalization.

3. Because it is inexpedient to grant this privilege to aliens at present, when it has not been asked, and when it may tend to invite other states to grant them the like privileges on even a shorter term of probation; and thereby create uneasiness, if not danger to the union.

THOMAS M'KEAN.

Lancaster, March 16, 1803.

Proclamation of Reward for the Apprehension of
Certain Perpetrators of Arson in the Borough of
York.

Pennsylvania, ss:

[Signed.] Tho. M'Kean.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania.

BY THOMAS M'KEAN, Governor
of the said Commonwealth.

A PROCLAMATION.

Whereas it has been represented to me by a number of the Inhabitants of the Borough of York, that eleven or more buildings within the same have been lately consumed by fire; that a most wicked and daring conspiracy appears to have been formed for the purpose of burning said Borough; and that, from a variety of cir-

cumstances, it is believed, a number of negroes or black persons, within said Borough and its vicinity, have combined together, to carry into effect so nefarious a design. Therefore I have deemed it expedient to issue this Proclamation, hereby offering a reward of three hundred dollars to any person or persons who shall discover the said conspiracy, and the parties therein wickedly concerned, so that the incendiaries, or any of them, may be apprehended, secured, tried and convicted, which reward shall be accordingly paid on the conviction of all or any of the offenders; and if the person or persons, making such discovery, hath or have been concerned in any attempt heretofore made, or in any conspiracy with a view hereafter to set fire to the said Borough or suburbs; I do further engage and promise a pardon for such his, her, or their conspiracy and offence, upon condition, that he, she or they shall make a full disclosure of all the circumstances relating to the origin, progress and execution of the said conspiracy, and of the names and places of abode of his, her or their confederates. And all Judges, Justices, Sheriffs and other persons whosoever, intrusted with the execution of the laws of this Commonwealth, are required and enjoined to be attentive and vigilant in detecting, securing and bringing to Justice, according to the duties of their respective stations, all persons offending or attempting to offend in the manner by this Proclamation set forth.

Given under my hand and the Great Seal of the State at Lancaster this seventeenth day of March in the year of our Lord one thousand eight hundred and three and of the Commonwealth the XXVIIth.

By the Governor,

T. M. Thompson, Sec.

To the Assembly vetoing "An act for the adjustment of disputes and the recovery of debts within this Commonwealth."

Gentlemen:

I HAVE PERUSED AND CONSIDERED THE bill, entitled "An act for the adjustment of disputes and the recovery of debts within this commonwealth." After serious deliberation, I have directed the Secretary to return the same to the Senate, in which it originated, with the following objections, as I do not approve it.

1. Ancient establishments and venerable institutions, which have been cherished for ages by the learned and the wise, and which have produced in Pennsylvania an unexampled state of political prosperity, and an excellent security for persons, property and reputation, ought not to be departed from, or exchanged for crude theories, fanciful alterations, new projects, and pleasing visions. Extraordinary experiments suit only desperate cases.

2. This new plan of judicial policy would give such an ascendancy to the rich over the poor, to the powerful over the weak, to the learned over the ignorant, and have a tendency to encourage litigation to such a degree, that the mind startles at it, even in contemplation. The power given to justices of the peace and arbitrators, by this bill, is so extensive, that even in the hands of men of the first genius, education, honor and independence, it would be highly formidable; and the increase of business will become so burthensome, that such men (if such could be found in every township and corner of the state) will be discouraged from the undertaking. In some causes, fifty or an hundred witnesses may necessarily be examined, to ascertain the credibility of witnesses and the truth of the fact; the rules of property, the injury suffered from infamous libels and slanders must be explored and explained,

proved and fully understood, and perhaps a week employed, previous to a righteous decision. This would engross too much of their time from the necessary concerns of their families, the improvement of their understandings, and their engagements in other public and private pursuits. The consequence must be, that this duty will fall into the hands of men, deficient in learning and knowledge, who will not devote the time and pains necessary to a legal and just judgment; and who will too frequently prostitute their trust to self-interest, influence, favor, ambition, avarice or personal resentment.

3. Innovations, especially in the administration of justice, are dangerous. It is always safer, to borrow from former establishments, than to introduce plans entirely new; to travel on a beaten road, than one before untrodden. Besides, experiments should be allowed only a reasonable time for trial: They may operate very differently from expectation, and prove highly prejudicial, and therefore ought to be limited in their duration. But this bill is perpetual. We ought not to be sent backwards on our steps, in contradiction to the order of nature; nor should we imitate the practices of rude inceptive governments subsisting in rude and unlettered times; but rather endeavour to improve, by the experience of the enlightened ages that have succeeded.

4. Though unwilling to comment upon particular parts of the bill, yet I cannot pass unnoticed, a provision in the third section, "that no pleadings of counsel hired for that purpose shall be admitted before the arbitrators in any cause submitted to their decision"; as it alone would restrain my approbation. One of the parties in the suit may be a counsellor at law, and a learned, ingenious, artful and eloquent man; the other illiterate, simple and weak of understanding; one of the parties may be a foreigner, un-

skilled in our language and laws; he may stammer, be deaf or dumb. To deny the aid of counsel in such or similar cases, unless obtained without compensation, appears to me unreasonable and unjust in the extreme. Nay, it would not appear more extraordinary to deprive a man of the right to employ an agent in any of his personal concerns: as well might the sick be denied the aid of a physician, or any man the assistance of another, for pay or reward. If every suitor must appear personally before the arbitrators, he may be obliged to travel from one end of the state to the other, and in some instances enjoined to perform impossibilities. This has certainly been an oversight, and passed inadvertently. The consequences attending a strict adherence to this injunction would render it as eligible to determine controversies by a throw of the die, or any other game of chance.

5. Every objection that has been made to a bill of a similar nature, in a message of the ninth day of December last, applies in general to this, with more than double force; as this bill, if enacted into a law, would be more than doubly oppressive and injurious.

THOMAS M'KEAN.

Lancaster, March 21, 1802.

To the Assembly vetoing "An act authorizing any person owning lands adjoining navigable streams of water declared public highways to erect dams upon such streams for mills and other waterworks."

Gentlemen:

I HAVE PERUSED AND CONSIDERED THE BILL, entitled "An act authorising any person or persons owning lands adjoining navigable streams of water declared public highways to erect dams upon such streams for mills and other water-works;" and although I agree, if it should be enacted into a law, that it would, with one exception be beneficial, and have a great deal

of the time and expence, heretofore bestowed on such subjects; yet that single exception withholds my approbation of it. I have directed the Secretary to return it to the Senate, in which it originated, with my objection, as follows:

By the third section of this bill, a justice of the peace has cognizances of damages to the amount of fifty dollars, without the intervention of a jury, which I think confers too great a power on gentlemen of that character in general, and also contravenes an unalterable provision in our constitution, "that trial by jury shall be as heretofore," &c. This constitution was established on the second day of September, 1790; at which time a justice of the peace had no jurisdiction beyond ten pounds, or twenty-six dollars and sixty-seven cents; and, in a variety of specified actions, he was excluded from interfering. My opinion is, that this constitutional provision extends as well to civil as criminal suits; and that the principle, which deprives the citizens of a trial by jury in actions for torts and wrongs, where the damages do not exceed fifty dollars, will extend to the like actions for fifty thousand, or any larger amount. My reasoning on this important subject will be found more at large, in a message to both Houses on the 9th day of December last, to which I beg leave to refer.

THOMAS M'KEAN.

Lancaster, March 21, 1803.

To the Assembly vetoing "An act to extend the powers of the Justices of the Peace of the State.

Gentlemen:

THE BILL ENTITLED "AN ACT TO REVIVE THE act, entitled a supplement to the act, entitled "An act to extend the powers of the Justices of the Peace of this State" was presented to me, on Saturday,

the 2d of April last; but as the Legislature adjourned on the following Monday (when ten other bills were returned with the executive approbation) I had not an opportunity, during that session, to bestow sufficient consideration upon its principles and provisions, particularly as it was in substance the renewal of a legislative proposition, to which I had formerly expressed my dissent, and I am always anxious, in a conflict of opinion to pay a just deference to the wisdom of the General Assembly. I must now however confess, that the ample time for deliberation which I have enjoyed in the recess, has operated to confirm the convictions of my judgment, in relation to the unconstitutionality, the impolicy, the oppressive and pernicious tendency of this bill: and therefore disapproving it, I have directed the Secretary to return it to the House of Representatives in which it originated, with my objections, being indeed little more than a recapitulation of the reasons that have been assigned on similar occasions, and are already exhibited on the records of the Legislature. I object then, to the bills passing into a law.

1. Because it appears to me to be unconstitutional. The Constitution expressly guarantees to the citizens of Pennsylvania, "the trial by jury as heretofore."

The trial by jury heretofore existed in civil as well as in criminal cases, and in the exercise of an original as well as of an appellate jurisdiction, except in mere matters of debt and contract, not exceeding the sum of ten pounds. But the bill under consideration contemplates the perpetuation of legislative provisions, by which the trial of issues, in a great variety of transactions as well of the nature of torts as of contracts, is in the first instance withdrawn from a jury. An attack upon the trial by jury, in civil cases, will afford to bad men, in worse times a ready pretext for undermining the trial by jury in criminal cases: and nothing can more forcibly demonstrate the sense of the union, in

favor of establishing the trial by jury, as well in controversies between individuals, as in public prosecutions, than the opinion of the several states, (even including the state of Pennsylvania) that upon principle, independent of authority, it was a wise and necessary amendment to the federal constitution, to provide, "that in suits of common law, when the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." Amendments, Article 9. But with respect to the objections to the constitutionality of the bill, it is incumbent on me to speak with diffidence (a diffidence which I am persuaded you gentlemen, will partake) when I recollect that the same question has been, in part, debated in the Supreme Court, and will probably soon receive a judicial and authorotative determination.

2. Because the bill is impolitic. In the judicial department of government, every avenue to corruption should be closed; every disposition to tyranny should be controuled, every infirmity of ignorance or folly, should be corrected; and in short, every step in the administration of justice should be taken in the public view, and be liable to the public animadversion; and uniformity in decisions should be preserved. But the bill under consideration, would perpetuate and countenance the enlargement of the jurisdiction of individual magistrates, scattered over the territory of the state, without any useful publicity or real responsibility attached to their situation or their conduct. The inevitable effect must be a scene of partiality, on the one hand, and of oppression on the other; until by the inducements of favor, or the impulse of fear, every neighbourhood shall be reduced to the condition of vassalage; and the subordinate magistrates will be enabled, through the medium of influence and elections to dictate to the legislature and to overawe the elective departments of the state; and similar cases will be de-

terminated very differently, where many hundred individual magistrates are to give the rule.

To repeat the language of a celebrated commentator, we shall fatally experience that these new tribunals, erected, "for the decision of facts without the intervention of a jury, are steps towards establishing an aristocracy, the most oppressive of absolute governments;" unless taking advantage of the admonition of the same enlightened author, we feel that "it is, above all, a duty which every man owes to his country, his friends his posterity and himself, to guard with the most jealous circumspection against the introduction of new and arbitrary methods of trial, which, under a variety of pretences, may in time imperceptibly undermine the trial by jury, the best preservation of liberty."

3. Because the bill has an oppressive and pernicious tendency. The emoluments of a justice must depend upon his practice; and his practice will usually depend upon the patronage of the wealthy or the litigious part of the community.

Calculating, therefore, upon the natural imperfections of the human character, to oppress the poor, the helpless and the tranquil, will be almost irresistible, nor can any means be suggested to avert the evil, while the transaction passes in the private room of a justice's house, and particularly in the private room of a justice's house, and particularly if the aid of counsel (as once was contemplated) should be denied. Whatever may be the perversion of facts, whatever may be the distortion of law, little consolation can be derived from the mere right of appeal; since the accumulation of costs could hardly be sustained by a poor man.

THOMAS M'KEAN.

Lancaster, December 8, 1803.

Opening Address to the Assembly—1803.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

IF THE HAPPINESS OF A FREE PEOPLE IS THE true object of a republican government, and if the attainment of that object is justly deemed the best reward of those, to whom the care of the public interests is confided; a fairer occasion than the present has never occurred in the history of our country, for mutual congratulation and devout acknowledgments. Whether, indeed, as citizens of the Union, we contemplate the prosperity of the nation, or, as functionaries of the state, trace the rapid progress of improvement within the immediate boundaries of Pennsylvania, the theme of exultation and gratitude is alike conspicuous, splendid and uniform.

By an enlightened policy, which neither indulges passion nor betrays timidity, the federal administration has recently added to the many benefits flowing from the exertions of its wisdom and patriotism, the peaceful acquisition of the province of Louisiana, including the island of New Orleans. The value of the acquisition, even with the sole view of accommodating and securing the commerce of the western states and territory of the Union, every candid mind will appreciate much higher than the stipulated price; but when we consider it in relation to the present, as the probable means by which we avoid a participation in the war that has been fatally re-kindled in Europe, or in relation to the future, as affording a natural limit to our territorial possessions, by which the danger of foreign collision and conflict is far removed, while the sphere of domestic industry and enterprize is enlarged; the event may well be regarded as an auspicious manifestation of the interference of Providence in the affairs of men; for it opens a new source of triumph to all who shared in the

toils of the revolution; it must invigorate the hope of all who wish to perpetuate the fabric of civil liberty on the basis of the republican system; and all who are solicitous to promote the unembarrassed development of the moral and physical character of our country, will here find an ample motive for confidence and perseverance.

To the state of Pennsylvania, this acquisition will, doubtless, be highly acceptable, in consequence of her commercial intercourse with the Mississippi, by the western waters and the lakes; but, gentlemen, in the still more important point of view to which I have alluded, it merits from us peculiar attention. The geographical position and the political rank which we hold in the Union, seem to assign to us the patriotic task of setting an example of virtue and industry, of public spirit and social harmony. Preserved, therefore, from the calamities and the apprehensions of war, by the late successful negotiations, we are responsible to our constituents, nay, to our sister states, for a judicious and diligent prosecution of the arts of peace. With, however, an excellent climate, a fertile soil, and an intelligent people; with a well framed government, and equal laws, ensuring to every citizen the enjoyment of civil and religious liberty; little more can be requisite, for the performance of our duty, than an adherence to those principles of legislation which have been sanctified by experience, and which, while they assimilate the wisdom of our ancestors, to the wants of their posterity, will not permit us to mistake innovation for reform, nor to consider the mere circumstance of change as evidence of improvement.

Though Pennsylvania has, hitherto, commanded general admiration and respect for the melioration of her penal code, for the good faith and punctuality of her fiscal transactions, for her benevolent and literary institutions, for her encouragement of public improve-

ments in roads and inland navigation and for the ardor and discipline of her militia; yet it is not to be disguised, that the defective administration of justice (owing to the insufficient number of the judges of the supreme court, and the too extensive range of the districts of the courts of common pleas) remains a common topic of clamour and reproach. I beseech you, therefore, gentlemen, to deliberate upon this interesting subject. Recollect, that near a century ago, there were as many judges as there are now in the supreme court, (now, when the population, agriculture and commerce of the state are incalculably advanced) and that in the space of twenty-two years, the number of counties has increased from eleven to thirty-two, which are actually organized. In short, the inevitable accumulation of the business of the courts, has so obstructed the streams of justice, that they can hardly be said to flow.—The spirit of litigation, the ruin of honest suitors, and the triumph of fraudulent debtors, and others equally culpable, can no longer be disingenuously ascribed to the machinations of a profession, nor be regarded as the mere incidents of the law's delay. The evil springs from a different and a higher source: And, permit me to repeat, with an equal solicitude for the honor of the government, and for the welfare of our constituents, that as the evil could only have been prevented, so it can only be removed, by an interposition of legislative power.

There are other public objects which will present themselves, gentlemen, to your consideration, during the session; but it is among the proofs of our prosperity, that they are neither numerous nor difficult of arrangement. The sympathy which you feel, for the recent distresses of the cities of Philadelphia and New York, will naturally lead your attention, to the adoption of such amendments in our law for establishing an health office, and to secure the city and port of Philadelphia from the introduction of pestilential and con-

tagious diseases, as shall be deemed requisite, more effectually to guard us against every approach of pestilential disease. The regulations introduced by your predecessors, being rigidly enforced at the lazaretto, by the board of health, have probably been the means of averting the danger of contagion from that quarter: And although there is reason to believe, that the late disease was introduced from abroad, through another channel, we may justly, in a great measure, ascribe to the same vigilance and care, the short duration (not exceeding six weeks) and the small number of victims (not more than two hundred) compared with the continuance and ravages of a similar calamity in former years.

The provisions of the act of congress, passed on the second of March, 1803, relative to the militia, will likewise claim your attention, as they prescribe, among other things, the appointment of staff officers and regimental chaplains, whose appointments are not within the purview of the existing act of assembly. And, permit me to recommend, that the opportunity be embraced to compel, by adequate sanctions, a regular and full return of those citizens, who are entitled to the indulgence of paying a pecuniary equivalent for personal service in the militia; for on the authority of the constitution, and the maxims of political justice, this commutation ought to be strictly exacted.

The laws, for the education and maintenance of the poor, will admit of some beneficial alterations and additions.

The general law, for repairing and superintending the roads and highways, may be made more efficient: And, upon the whole, I am confident that you will assiduously cherish and encourage, the laudable spirit of public improvement, which animates our fellow-citizens, and at once discloses and augments the opulence of the state.

The duties, hitherto devolved upon the executive department by law, have either been performed, or are in a regular course of performance. Of these, perhaps, the most prominent is, the task of concluding the compromise relative to the seventeen townships in Luzerne county. By the diligence, fidelity and talents of the commissioners, however, the principal obstacles have been surmounted; the causes of personal irritation and animosity have been removed; the indications of a turbulent disposition have diminished; many of the deluded claimants, under the spurious title of Connecticut, have purchased tracts of land from the Pennsylvania proprietors; and I entertain a strong hope that, in a short time, I shall be able to announce the perfect restoration of law and order; particularly, if an addition to the bench of the Supreme court, should render it practicable for the judges to co-operate in that quarter, with their advice and authority. But, whatever may be the issue of the Wyoming controversy, let me entreat you, gentlemen, to consider it as a warning, seasonably to resist and dissipate those appearances of territorial feuds, which in other districts, menace the future tranquility of the state.

Gentlemen of the House of Representatives:

During the recess of the Legislature, I have repaid to the bank of Pennsylvania, the state debt of fifty thousand dollars, with interest, by the operation of another loan from the same institution, to the amount of sixty thousand dollars, made in pursuance of the authority given by an act of assembly. The accounts, which I have directed the proper officers to lay before you, will shew, that to discharge this new engagement; to provide an adequate fund to satisfy the claims of the Pennsylvania patentees, who have conveyed to the commonwealth their estates in the seventeen townships of Luzerne county, and to defray the other necessary ex-

pences of the government, it will be incumbent upon you to raise, by tax a considerable addition to the product of our ordinary revenue. We may be assured, however, that our constituents will concur in the opinion, that whatever pecuniary supplies the public faith, or the public exigencies may require, they ought rather to be furnished by an immediate application to the people, than indirectly, by a constant and unlimited recourse to the credit of the state: And you will, doubtless, select such ways and means as will be most productive, while they are the least inconvenient and oppressive.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

The situation, in which we are placed by our country, is at once honorable and arduous. It demands from us an impartial, an undeviating attention to the peace and well-being of the community: It forbids the indulgence of prejudice; and it invites to the exercise of benevolence. Let us then inculcate, by official acts as well as by private example, the lessons of political truth, and the virtues of social life. If we are fortunate in our efforts, our fellow-citizens will dismiss the jealousy and the rancor of party; an adherence to principle will be found compatible with the universal toleration of opinion; and men having all the rational inducements of a common interest to be friends, will wonder at the folly or the artifice, which has ever made them foes.

THOMAS M'KEAN.

Lancaster, December 9, 1803.

To the Assembly transmitting a proposed amendment to the Constitution of the United States.

Gentlemen:

ON SATURDAY EVENING, I RECEIVED, ENCLOSED with a letter from His Excellency the President of the United States, a copy of an article of Amendment, proposed by congress to be added to the constitution of the United States, respecting the election of president and vice-president; copies of which I have directed the secretary to lay before you.

The circumstances attending the last election of these great officers, will doubtless command your early attention to this important subject; and the near approach of the next election of these officers, will, I rest assured, induce a speedy determination.

THOMAS M'KEAN.

Lancaster, Monday, Dec. 19, 1803.

"Eighth Congress of the United States, at the First Session,

"Begun and Held at the City of Washington, in the Territory of Columbia, on Monday, the Seventeenth of October, One Thousand Eight Hundred and Three.

"RESOLVED, by the Senate and House of Representatives of the United States of America, in congress assembled, two-thirds of both Houses concurring, that in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which, when ratified by three-fourths of the Legislatures of the several states, shall be valid to all intents and purposes, as part of the said constitution, to wit:

"The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same

state with themselves, they shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted: The person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three, on the list of those voted for as president, the House of Representatives shall choose, immediately, by ballot, the president. But, in choosing the president, the votes shall be taken by states, the representation from each state, having one vote; a quorum for this purpose, shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the vice-president, a quorum for the purpose, shall consist of two-thirds of the

whole number of Senators, and a majority of the whole number shall be necessary to a choice.

"But no person constitutionally ineligible to the office of president, shall be eligible to that of vice-president of the United States.

"Nathl. Macon, Speaker of the House of Representatives.

"A. Burr, Vice-President of the United States, and President of the Senate.

To the Assembly vetoing "An act to empower the Administrators to the Estates and guardians of the minor children of Benjamin Lodge and James Carnahan, deceased, to sell and convey certain real estates."

Gentlemen:

I HAVE PERUSED AND CONSIDERED THE BILL, entitled "An act to empower the administrators to the estates, and guardians of the minor children of Benjamin Lodge, and James Carnahan, deceased, to sell and convey, certain real estates," and as I do not approve it, have directed the Secretary to return it to the Senate, in which it originated; with my reasons for not assenting to its being passed into a law.

My objection to this bill is, that it appears to me to be inoperative and ineffectual; as the laws of Kentucky alone can direct the manner in which real estates, lying within that state can be acquired, aliened, or lost. Besides, I cannot consent that the real estate of the minors, mentioned in the bill, should be sold, unless other reasons shall be assigned, than those therein alledged.

THOMAS M'KEAN.

Lancaster, April 2, 1804.

Proclamation of Reward for the Perpetrator of the
Murder of Edward Gobin.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



IN THE NAME AND BY THE
authority of the Commonwealth
of Pennsylvania. By THOMAS
M'KEAN, Governor of the said Com-
monwealth.

A PROCLAMATION.

Whereas, it appears to me, by divers depositions of
credible witnesses, that a certain Edward Gobin of
the county of Lycoming, yeoman, on the morning of
the twenty-seventh day of July last, near the door of
the house of Henry Donnel, Esquire, situate on Tioga
river, in the said county, was maliciously and wilfully
shot through the body with a rifle bullet, and so griev-
ously wounded that his life was despaired of; and
that the same was done with an intent him the said
Edward Gobin to kill and murder, by a person un-
known. And whereas, I have received information on
oath, that a company consisting of about eighteen
persons, dressed like Indians, and said to be employed
by persons residing on Sugar Creek in said county, at
the rate of*

the summer,

persons from surveying

Pennsylvania.

Now be it known
dollars shall be paid to any
person or persons, who shall arrest or cause to be ar-
rested the principal offender afs'd, who shot the af'd
Edward Gobin, and four hundred dollars for arresting
or causing to be arrested each and every of the accom-
plices of the principal offender alfs'd and for bringing
them to trial and conviction: And I do further promise

*Original mutilated.

a pardon to any of the accomplices, who shall give information to any Magistrate against the said principal offender, or any of the aiders or abettors of the afs'd nefarious Act, and shall give evidence against them. And I do hereby require and enjoin all and singular Judges, Justices of the peace, Magistrates, Sheriffs and other Officers within this State, to be vigilant and active in discovering and causing the criminals afs'd to be apprehended; and in preventing and punishing offences against the Intrusion Laws of this Commonwealth, and against any other law for the preservation of the peace; and I do warn and enjoin all persons whomsoever to forbear from contravening the salutary provisions in the said laws, at their peril.

Given under my hand and the less seal of the State at Lancaster the eleventh day of August, in the year of our Lord one thousand eight hundred and four, and of the Commonwealth the twenty-ninth.*

Proclamation Announcing the Election of Representatives in Congress.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An act to provide for the election of Representatives

*The signature has been cut out.

of the People of this State in the Congress of the United States," passed on the second day of April, one thousand eight hundred and two, that the Governor, having received the returns of Election from the Sheriff of the City and County of Philadelphia and the respective Sheriffs of the several Counties of this Commonwealth, shall declare by Proclamation the name of the Person or Persons returned as duly elected in each respective District: And Whereas, it appears from the Returns of the General Election, held on Tuesday the ninth day of October last, in and for the several districts hereinafter specified, that the following named Persons were duly elected therein respectively to serve in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next.

In the district composed of the City of Philadelphia, and Counties of Philadelphia and Delaware, Joseph Clay, Jacob Richards and Michael Leib.

In the District composed of the Counties of Bucks, Montgomery, Northampton, Wayne and Luzerne, John Pugh, Frederick Conrad and Robert Brown.

In the District composed of the Counties of Chester, Berks and Lancaster, Christian Lower, John Whitehill and Isaac Anderson.

In the District composed of the Counties of Dauphin, Cumberland, Mifflin and Huntingdon, David Bard and John A. Hanna.

In the District composed of the Counties of Northumberland, Lycoming and Centre, Andrew Gregg.

In the District composed of the Counties of York and Adams, James Kelly.

In the District composed of the Counties of Franklin and Bedford, John Rea.

In the District composed of the Counties of Westmoreland, Somerset and Armstrong, William Findley.

In the District composed of the Counties of Fayette and Greene, John Smiley.

In the District composed of the County of Washington, John Hamilton.

In the District composed of the Counties of Allegheny, Beaver, Butler, Crawford, Mercer, Venango, Warren and Erie, John B. C. Lucas.

Now therefore, I have issued this Proclamation hereby publishing and declaring that the said Joseph Clay, Jacob Richards, Michael Leib, John Pugh, Frederick Conrad, Robert Brown, Christian Lower, John Whitehill, Isaac Anderson, David Baird, John A. Hanna, Andrew Gregg, James Kelly, John Rea, William Findley, John Smiley, John Hamilton, John B. C. Lucas, are duly elected and chosen as Representatives of the People of this State in the Congress of the United States, for the term of two years from the fourth day of March next.

Given under my hand and the Great Seal of the Commonwealth at Lancaster the third day of November, in the year of our Lord one thousand eight hundred and four, and of the Commonwealth the twenty-ninth.

By the Governor.

T. M. Thompson, Sec.

Proclamation Announcing the Names of Electors for President and Vice President.

Pennsylvania, ss:

[Signed]* _____



I N THE NAME AND BY THE
authority of the Commonwealth
of Pennsylvania. By THOMAS
M'KEAN, Governor of the said Com-
monwealth.

A PROCLAMATION.

Whereas, it is provided, in and by an Act of the General Assembly, entitled "An Act to direct the manner, time and places of holding elections, for Electors of President and Vice President of the United States," passed on the second day of February, one thousand eight hundred and two, that the Governor having received the returns of the Elections from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several counties of this Commonwealth, shall enumerate and ascertain the number of votes given for each and every person, voted for as Electors of President and Vice President of the United States and thereupon declare by Proclamation,* _____ and chosen; and also, that he shall * _____ on or before the last Wednesday * _____ after such election.

And Whereas, it appears, by the returns which I have received, that Charles Thompson, William Montgomery, Matthew Lawler, Robert McMullen, William Brooke, Thomas Long, Francis Swaine, Henry Spering, James Boyd, Peter Frailey, Casper Shaffner, jun'r, John Bowman, William Brown, George Smith, Jacob Hostetter, Jacob Bonnett, James Montgomery, John Minor, John Hamilton and Nathaniel Irish are the

*Proclamation mutilated at the points left blank.

persons for whom the greatest number of votes *——
 ————— election, held on Friday, the second day of
 November.

I have issued this Proclamation, hereby publishing
 and declaring *———— Charles Thompson,
 William Montgomery, Matthew Lawler, Robert Mc-
 Mullen, William Brooke, Thomas Long, Francis
 Swaine, Henry Spering, James Boyd, Peter Frailey,
 Casper Shaffner, Junior, John Bowman, William
 Brown, George Smith, Jacob Hostetter, Jacob Bon-
 nett, James Montgomery, John Minor, John Hamilton
 and Nathaniel Irish are duly elected and chosen Elec-
 tors of a President and Vice President of the United
 States, to serve at the Election in that behalf to be
 held at the seat of government of this State (being the
 Borough of Lancaster, in the County of Lancaster),
 agreeably to the said Act of Assembly, and the Acts of
 Congress in such case made and provided.

Given under my hand and the Great Seal of the
 State, at Lancaster, this nineteenth day of November,
 in the year of our Lord one thousand eight hundred
 and four, and of the Commonwealth the twenty-ninth.

By the Governor.

*—————

Secretary of the Commonwealth.

*Proclamation mutilated at the points left blank.

Proclamation Announcing the Election of John Hoge
as a Representative of Pennsylvania in the United
States Congress.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



IN THE NAME AND BY THE
authority of the Commonwealth
of Pennsylvania. By THOMAS
M'KEAN, Governor of the said Com-
monwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly entitled "An Act to provide for the election of Representatives of the people of this State in the Congress of the United States," that the Governor, having received the returns of the election from the Sheriff of the city and county of Philadelphia and the respective Sheriffs of the several counties of this Commonwealth, shall declare by Proclamation, the name of the person or persons to him returned as duly elected in each respective district. And Whereas, it appears from the return of an election held on the second day of November instant (in pursuance of a Writ issued by me for that purpose) in and for the district of the county of Washington, that John Hoge has been duly elected to serve in the House of Representatives of Congress of the United States, and to supply the vacancy occasioned by the resignation of William Hoge, esquire.

Now, therefore, I have issued this Proclamation, hereby publishing and declaring, that the said John Hoge is duly elected and chosen, as a Representative of the people of this Commonwealth, to serve in the House of Representatives of the Congress of the

United States, for and during the remainder of the term for which the said William Hoge was elected to serve.

Given under my hand and the Great Seal of the State at Lancaster the thirteenth day of November, in the year of our Lord, one thousand eight hundred and four, and of the Commonwealth the twenty-ninth.

By the Governor.

T. M. Thompson, Sec.

To the Assembly giving notice of the readiness of the Presidential Electors to perform their duties.

Gentlemen:

IN PURSUANCE OF THE FOURTH SECTION OF an Act of the General Assembly of the Commonwealth of Pennsylvania, approved February the 2d, 1802, entitled "An act to direct the manner, time and places, of holding Elections for Electors of President and Vice-President of the United States," it becomes my duty to inform the Legislature, that the following gentlemen have given notice to me, that they are at the seat of Government, and ready to perform the duties of Electors of President and Vice-President of the United States, viz: Charles Thompson, Matthew Lawler, Robert M'Mullin, William Brooke, Thomas Long, Francis Swaine, Henry Spering, James Boyd, Peter Frailey, Casper Shaffner, jun., John Bowman, William Brown, George Smith, Jacob Hostetter, Jacob Bonnett, James Montgomery, John Minor, John Hamilton, and Nathaniel Irish; by which it appears, that William Montgomery, Esquire, one of the persons chosen at the late Election to serve as an Elector, is absent from the seat of Government, owing, as I have been informed, to bodily indisposition.

THOMAS M'KEAN.

Lancaster, December 5th, 1804.

Opening Address to the Assembly—1804.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THE CONSTITUTION OF THE STATE, BY DIRECTING an annual Session of the Legislature, recognizes the policy of frequent inquiries into the operation of the existing system of our Laws, and into the means, suggested by experience, for promoting the welfare of the community. It is our lot, however, under the auspices of a beneficent Providence, to find, that, whether we view what has been done, or consider what remains to do, there is little to lament in the past, or to apprehend from the future. As a Member of the Union, Pennsylvania eminently participates in the estimation, which the American Character has attained abroad; and in the prosperity, which the National Government has produced at home. As a distinct Commonwealth, her institutions offer ample encouragement to virtue and industry; afford perfect security to person and property; exact from her magistrates the essential qualifications of probity and wisdom, and confer upon her Citizens, the inestimable blessings of liberty and order. This scene (the practical development of the principles of our Revolution) every republican must contemplate with gratitude and delight—every patriot will be solicitous to preserve and perpetuate.

The successful labors of your predecessors having thus, gentlemen, matured the subjects, and diminished the cares of Legislation; it is our less arduous, though important task, to guard with vigilance, prudence, and fortitude, the palladium of our political and social happiness. The necessities of an expanding population, the varying influence of external commerce, the gradual augmentation of internal wealth, and, in short, the inevitable vicissitudes of human affairs, will forever claim, from the guardians of the public weal, a

pure and zealous attention. The good works of our ancestors should not be suffered to moulder into decay. The imperfections of our legal code should be amended, with a respectful, though steady hand. The charms of novelty should not be permitted so far to fascinate, as to give to mere innovation the semblance of reform. And, in transacting the business of ages—in framing Laws for posterity, as well as for ourselves—we shall disregard the precepts of wisdom, interest, and honor, unless we dismiss the desultory passions and prejudices of the day.

Under just impressions of public duty, I am confident, gentlemen, you are now assembled; and, in obedience to a constitutional injunction, I proceed to communicate, more particularly, such information of the state of the Commonwealth, as appears to merit a place in your deliberations.

The affliction, to which Philadelphia has been repeatedly exposed, naturally excited a sympathising interest, at the opening of every Legislative Session, for several years; and, therefore, I derive peculiar pleasure from the present opportunity to announce, that the health of our commercial capital, has been uninterrupted, by any pestilential calamity, during the late Summer and Autumn. The circumspection and firmness of the Board of Health have, undoubtedly, contributed in a great degree to prevent and to repel the approaches of disease; and the plans of the Board, which are still in operation, will, it is hoped, justify, at a period not very distant (at least as soon as the wars of the nations, with whom we trade, shall terminate) a relaxation in the rigor of the existing law of quarantine. In the mean time, a prompt and uniform acquiescence in so severe, but so necessary, a restraint upon commerce, affords an additional proof of the public spirit of our merchants.

The commission, which issued, under the authority of an Act of the General Assembly, to settle the claims of property and commutation, within the Seventeen Townships of Luzerne county, will soon be brought to a fair, a satisfactory conclusion. The reasons which led to that conciliatory course of proceeding do not, however, exist, in the case of the lawless attempts, throughout the neighboring country, under a spurious title, to seize the soil, and brave the authority of the State. It has, indeed, been intimated, that a returning sense of honesty and duty promise to supercede the obligation of enforcing, in that quarter, obedience to the Law, by the power of Government; but, if this hope is not speedily realized, I shall again press the subject upon your attention, lest a longer forbearance should be deemed a dereliction of the right, or an acknowledgement of the imbecility of the Commonwealth.

During your recess, I have transferred the sum of three hundred thousand dollars of the six per cent. Stock of the United States, the property of this State, to the Philadelphia Bank, in conformity to the Act of the fifth of March last. Fifteen field-pieces, of brass, have been purchased for the Militia: And, generally, the duties devolved upon the Executive Magistrate, by Acts of the Legislature, have been punctually performed. A communication from the Governor of Massachusetts, transmitting a legislative proposition for an amendment to the Constitution of the United States; and a communication from the Governor of the State of Kentucky, relative to the improvement of the navigation of the river Ohio, have been received by me, and will be presented for your consideration.

There are many other subjects, upon the Journals of the two Houses, that will, undoubtedly, engage your attention; but it is incumbent on me to intreat the most favorable interposition of your authority for

those cardinal institutions (I mean the Courts and the Militia) from which principally result the happiness and the independence of the people. It is impossible to add to the sense, or to my former declarations of the sense, that I feel of the necessity to invigorate the administration of justice, by a radical change in the organization of the county Courts; by an immediate augmentation of the number of the Judges of the Supreme Court; and by a consequent abolition of the High Court of Errors and Appeals. While these improvements are wanting, it is unjust to ascribe to any other cause, the embarrassment, or the clamor, of suitors; the delay, or the oppression, of the Law.

Of the conduct of the Militia, it would be ungrateful to speak in any terms, but those of respect and praise. Exertions more spirited and efficient could not be displayed by individuals, aware of the importance of their services, and anxious to merit the confidence of their country. I am persuaded, indeed, that, with an adequate pecuniary aid from the public Treasury, to furnish the necessary equipments and implements of war, Pennsylvania will be ready, on every emergency, to support the standard of the Union, with her full quota of armed and disciplined freemen. I will only add, on this subject, that it rests with you to comply with the requisitions of the Act of Congress, passed the second day of March, one thousand eight hundred and three.

The act for the inspection of Butter, exported from the river Delaware, is now in successful operation. Permit me to suggest the propriety of subjecting Lard to the like inspection, and of extending the Law to the river Ohio.

Gentlemen of the House of Representatives:

The proper officers have been directed to exhibit to the Legislature, an estimate of the expenses, that will be incurred in the course of the current year, to maintain the Government, and to meet the public en-

gements, particularly in relation to the compromise with the Pennsylvania Patentees of land in the Seventeen Townships of Luzerne county; and I am happy to inform you, that, from a comparative view of those expences with the product of our present revenues, it will appear that no auxiliary fund will be necessary.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

In manifesting the gratitude we feel for the prosperous condition of our public affairs, nothing can be more acceptable to Divine Providence, nothing more beneficial to our country, nothing more honorable to ourselves, than the cultivation of "Peace on earth, and good will towards men." In the complete possession of civil and religious liberty, as a community; and entitled to equal rights of opinion and of action, as individuals; we can only endanger or impair the enjoyment of such advantages, by indulging petty jealousies, dissensions, and feuds. At this period of republican triumph and splendor, a rational mind can hardly conceive a motive for discontent, or animosity; though it trembles, at the probable consequences of distrust and disunion (by whatever cause produced) among the genuine friends of American Independance. Elevated, however, gentlemen, as you are, by popular confidence, to a station of high trust and responsibility, our fellow citizens hope from your wisdom, not only a faithful performance of the ordinary task of Legislation, but a parental influence to inculcate, by precept and example, the principles of mutual deference and respect; so that social and political concord may be permanently established, upon the basis of a common interest. In this, and in every other work, that you shall undertake for the public good, be assured of my respectful and zealous co-operation.

THOMAS M'KEAN.

Lancaster, December 6th, 1804.

To the Assembly concerning certain legal interests of the Commonwealth and an appropriation for the use of the Governor.

Gentlemen:

THE COUNSEL FOR THE COMMONWEALTH, as far as its interests are affected, in a number of Ejectments depending in the Circuit Court of the United States, wherein the Lessees of two Companies, commonly called the Holland and Population Companies, are Plaintiffs, have informed me, that a point of law, in the decision of which, many of the said Actions will be involved, if not determined, will be brought on, before the Supreme Court of the United States, at the next February term.

A copy of the letter of the Counsel, and of the notice to the Attorney General, will be delivered herewith to each House by the Secretary.

As there has been no appropriation of money, for contingent expences of any kind, to the Governor, this subject is submitted to your consideration and direction. •

THOMAS M'KEAN.

Lancaster, January 19th, 1805.

To the Assembly transmitting an amendment to the Constitution of the United States from the Legislature of North Carolina.

Gentlemen:

HAVING RECEIVED BY THE MAIL, YESTER-day, a letter from his Excellency, J. Turner, Esquire, Governor of North-Carolina, accompanied with a proposition from the Honorable Senate and House of Commons of that State, for an amendment

to the Federal Constitution, authorizing Congress to pass a law to prevent the further importation of Slaves in to the United States: requesting me to lay the same before the Legislature of this State, for their concurrence and adoption; it has appeared to me advisable to comply therewith without delay.

The Secretary of State will herewith deliver to each House copies of the letter and proposition for consideration.

THOMAS M'KEAN.

Lancaster, January 22d, 1805.

"North Carolina,

"Raleigh, January 8th, 1805.

"Sir:

"The Legislature of this State, have requested me to transmit to your Excellency, the annexed resolution, proposing an amendment to the Federal Constitution; with a request, that the same may be laid before the Legislature of Pennsylvania, for their concurrence and adoption.

"I have the honor to be,

Sir,

With great respect,

Your Excellency's most obedient servant,

J. Turner.

"His Excellency, The Governor of the Commonwealth of Pennsylvania.

"North Carolina,

"In Senate, November 29th, 1804.

"Resolved, That our Senators, in the Congress of the United States, be instructed, and our Representatives requested, to take all legal and necessary steps, to use their utmost exertions, as soon as the same is practicable, to obtain an amendment to the Federal Consti-

tution, so as to authorize and empower the Congress of the United States to pass a law, whenever they may deem it expedient, to prevent the further importation of Slaves, or people of colour, from any of the West India Islands, from the coast of Africa, or elsewhere, into the United States, or any part thereof.

“Resolved further, That the Governor be, and he is hereby requested, to transmit copies of the foregoing resolution to our Senators and Representatives in Congress; also, to the Executives of all the different States in the Union, with a request that the same may be laid before their respective Legislatures, for their concurrence and adoption.”

To the Assembly transmitting certain resolutions of the General Assembly of the State of Kentucky.

Gentlemen:

I RECEIVED A LETTER FROM HIS EXCEL-
lency, Christopher Greenup, Esquire, Governor of the State of Kentucky, yesterday, by Post, enclosing two Resolutions of the General Assembly, of the twenty-seventh of November, and seventeenth of December last, copies whereof will be delivered herewith to the respective Houses, by the Secretary of State, for their deliberation, and co-operation.

THOMAS M'KEAN.

Lancaster, February 5th, 1805.

Resolution of the Kentucky Assembly.

“Frankfort, (Ken.) January 2d, 1805.

“Sir:

“By directions of the Legislature of this State, I have the honor to enclose to your Excellency, two Resolu-

tions of the twenty-seventh of November, and seventeenth of December last; and, to request that the same may be communicated to the Legislature of your State.

"I am, very respectfully,

"Sir,

"Your obedient servant,

"Christopher Greenup.

"His Excellency,

"The Governor of the Common-

"wealth of Pennsylvania.

"Commonwealth of Kentucky.

"In General Assembly,

"November 27th, 1804.

"Whereas, owing to the manner of appropriating lands on the western waters, adopted by the State of Virginia, previous to the erection of the State of Kentucky into an independent State, there are many conflicting claims to land, and the titles to real property, in this State, are thereby rendered precarious and unsettled; and, inasmuch as many claims to lands in this Commonwealth are held by non-residents, who have it in their election to have their suits tried in the State-Court, or in the Court of the United States, which gives the non-resident a decided advantage, the resident having no such election; this advantage is more manifest when it is considered that different principles of decision may be established by those different tribunals, and the non-resident has it in his power to resort to that Court where former decisions favor his particular case, and this is not the only inconvenience which the Citizens of this Commonwealth are subjected to, in consequence of our peculiar situation, the artful and wealthy land-claimant, who is an inhabitant of this State, by a transfer of his title to a non-resident, may give jurisdiction to the Court of the United States, and thereby put

it out of the power of his indigent opponent to pursue or support his claim with success. This is sufficiently evident when we recollect the great distance which many of our Citizens live from the District Court of the United States, for the Kentucky District, and their inability to prosecute an appeal at the Federal City.

“And, whereas, serious and alarming consequences may ensue from contradictory adjudications in the Supreme Federal Court, and the Court of Appeals in this State.

“And, whereas, the Judiciary of each individual State, ought to be considered as best qualified to decide upon the Laws, enacted by the Legislature of that State, more especially when the subject to be adjudicated on, is of such a nature as to require an intimate knowledge of the History of that State, and the particular mode of acquiring that property which is the subject of dispute.

“Resolved, therefore, That the Senators, in Congress, from this State, be, and they are hereby instructed, and our Representatives in Congress are also requested to use their best endeavors to procure such an amendment to the Constitution of the United States, as will confine the Judiciary power of the Courts of the United States, to cases in law and equity arising under the Constitution and Laws of the United States, and Treaties made, or which shall be made under their authority; cases affecting Ambassadors, other public Ministers and Consuls; cases of Admiralty and Maritime Jurisdiction; controversies to which the United States shall be a party; to controversies between two or more States.

“Resolved, also, That the Governor be, and he is hereby requested, to forward the foregoing Resolution to each of the Senators and Representatives, from this State, in the Congress of the United States; also, to the Executive of each State in the Union, that the same

may be laid before their several Legislatures, with a request for their co-operation in procuring the said amendment.

“William Logan, S. H. R.

“Thomas Posey, S. S. P.

“December 19th, 1804.”

“Commonwealth of Kentucky.

“In General Assembly,

“December 17th, 1804.

“Resolved, That in a confederation of States, the principles by which they shall be governed, are a subject of agreement between the contracting parties, and that the Constitution of the United States was therefore agreed on by the whole, and ratified by each of the States.

“That several of the provisions of that instrument being adapted to the peculiar situation of some of the States, and intended to protect their interests, which might otherwise have been neglected or forgotten, were conditions without which these States would never have acceded to the Union.

“That the mode of representation, prescribed by the Constitution of the United States, was a condition, on which the States holding Slaves became parties in the confederation, and that it is just in itself and not oppressive to any of the States, because, as the States which permit the existence of Slavery, had authorized the introduction of Slaves nearly from the time of their establishment, and had thereby lessened the number

of free persons they would otherwise have contained, while they increased the productions and consequently the wealth of the country, it would be unjust to consider them as possessing no other population but the number of free persons they now contain.

“The influence of the eastern States, in the National Government, cannot be diminished by the number of Slaves, who may be employed in the cultivation of the southern and western parts of the Union, and of Louisiana; the population of a country will depend on the extent and fertility of its soil, and were these countries cultivated by Freemen, instead of Slaves, their relative weight in the Union would be increased, and that of the others proportionally diminished.

“And the States holding Slaves support their just share of the public burthens.

“In direct and capitation Taxes, the proportion paid by each State, is regulated by its representation; and the duties upon articles imported, although advanced by the merchant, are ultimately paid by the consumer.

“The demand for the produce of foreign countries, by these States, is considerable; their own capitals are employed in the cultivation of the soil, and without importing extensively themselves, they afford an advantageous market for the importations of other parts of the Union.

“For these reasons, and because the change, proposed by the State of Massachusetts, might endanger the harmony now subsisting between the several States composing the Union, which it is the interest, and, we hope, the wish of all to maintain, and support—it is further.

“Resolved, That the Senators, in Congress, from this State, be, and they are hereby instructed, and the Representatives of this State, in Congress, are also requested, to oppose the alteration in the Federal Constitution, proposed by the State of Massachusetts; and the Governor of this State is hereby requested to trans-

mit to each Senator and representative in Congress, from this State; and, also, the Chief Magistrate of the different States, this expression of our opinion on the subject, and request their concurrence in opposing the contemplated measure.

William Logan, S. H. R.

“Thomas Posey, S. S. P.

“December 19th, 1804.

“Approved,

“Christopher Greenup, Governor
of the Commonwealth of Kentucky.

To the Assembly concerning the collection of the State liens upon the real estate of John Nicholson, formerly Comptroller General.

Gentlemen:

CONSIDERABLE PAINS HAVE BEEN TAKEN to investigate and ascertain the real estate of John Nicholson, formerly Comptroller-General, on which the Commonwealth has liens to a large sum of money, to discharge which it is believed he has left landed property sufficient, but all endeavours have hitherto proved unsatisfactory and ineffectual.

His brother, Mr. Samuel Nicholson, who was recommended to me by the present Comptroller-General, and, from his consanguinity and personal interest, afforded a reasonable prospect of effecting what was desired, has not hitherto been able, after a tedious employment, to effectuate the purpose.

The last report of Mr. Samuel Nicholson, with its accompaniments, will be delivered, by the Secretary, for your information.

The originals (being voluminous) will be forwarded, by the House of Representatives, to the Senate, who

will be pleased, when they have done with them, to direct their Clerk to re-deliver them to the Secretary.

Permit me to suggest for your consideration, the propriety of authorizing some person, possessed of legal knowledge and suitable qualifications, who will devote his whole time to the business, to attend to this not unimportant affair; and to contract with some, or all of the four Land-Companies, in which he appears to have had an important interest, for the sale of the liens of the State on his real property; and on receiving in money, or sufficient securities, the amount of the demand, to convey the estate and interest of the Commonwealth to the monies, &c., due them, to such Company, or to any individual. The Agent to be allowed an adequate compensation.

This, or any other measure the Legislature may adopt, will meet with my ready co-operation.

THOMAS M'KEAN.

Lancaster, February 14th, 1805.

To the Assembly transmitting an Act of the Legislature of Maryland concerning the improvement of the navigation of the Susquehanna.

Gentlemen:

I HAVE DESIRED THE SECRETARY TO LAY BEFORE you copies of a letter received, yesterday, from His Excellency, Robert Bowie, Esquire, Governor of the State of Maryland; and an Act of the Legislature thereof, for the improvement of the navigation of the Susquehanna.

As this affair appears to me worthy of your serious attention, it has been communicated as soon as practicable.

THOMAS M'KEAN.

Lancaster, February 16th, 1805.

To the Assembly transmitting a resolution of the Legislature of Massachusetts, approving an amendment to the constitution of the United States.

Gentlemen:

YESTERDAY I RECEIVED A LETTER FROM the Governor of Massachusetts, enclosing a resolution of the Legislature of that State, approving an amendment to the Constitution of the United States, which had been proposed by the Legislature of North Carolina, copies of which will be herewith delivered by the Secretary to both Houses.

THOMAS M'KEAN.

Lancaster, March 1st, 1805.

(Enclosed in the Above Message.)

"Boston, February 15th, 1805.

Sir:

"In compliance with the request of the Legislature of this State, I transmit to you a copy of a resolution of the two Houses, approving an amendment to the Federal Constitution, which has been proposed by the Legislature of the State of North-Carolina.

"I have the honor to be,

"Sir,

"With great respect,

"Your most obedient servant,

Caleb Strong.

"His Excellency,

The Governor of the Commonwealth of Pennsylvania.

“Commonwealth of Massachusetts.

· “In Senate, February 12th, 1805.

“Resolved, That our Senators, in the Congress of the United States, be instructed, and our Representatives requested, to take all legal and necessary steps, to use their utmost exertions, as soon as the same is practicable, to obtain an amendment of the Federal Constitution, so as to authorize and empower the Congress of the United States to pass a Law, whenever they may deem it expedient, to prevent the further importation of Slaves, from any of the West-India islands, from the coast of Africa, or elsewhere, into the United States, or any part thereof.

“Resolved further, That the Governor be, and he is hereby requested, to transmit copies of the foregoing resolution to our Senators and Representatives in Congress; also, to the Executives of all the different States in the Union, with a request, that the same may be laid before their respective Legislatures, for their concurrence and adoption.”

To the Assembly transmitting a report of the State's counsel in certain suits pending in the Supreme Court of the United States, with an opinion of the Court.

Gentlemen:

I N PURSUANCE OF THE ACT, ENTITLED “AN act authorizing the Governor to employ Counsel to attend to the interests of this State, in certain Suits pending in the Supreme Court of the United States,” passed the first of February last, two of the gentlemen whom I employed for that purpose, attended the honorable the Supreme Court of the Union, at the City of Washington, and performed the duty required.

Their report, together with the opinion of the Court, in the case of Huidekoper's, Lessee against Doughless, will be herewith delivered by the Secretary for your information, and that of all persons interested therein.

THOMAS M'KEAN.

Lancaster, March 18th, 1805.

Philadelphia, March 12th, 1805

Sir:

We have the honor of informing your Excellency, that, in pursuance of your request, we attended the last Session of the Supreme Court of the United States at the city of Washington.

The case of Huidekoper's, Lessee against Doughlass, was fully argued, and the Court delivered their opinion; a copy of which is herewith sent to you.

Although this opinion has disappointed our expectation, yet we forbear from offering any remark on it, as it is to be considered as henceforth establishing the Law in the Courts of the United States.

We have the honor to be

With great respect,

Your Excellency's obedient servants,

Joseph B. M'Kean,

William Tilghman.

His Excellency,

The Governor of the Commonwealth of Pennsylvania.

To the Assembly vetoing "An act to alter the mode of appointing the Comptroller and Register-Generals."

Gentlemen:

I HAVE READ AND CONSIDERED THE BILL, entitled "An act to alter the mode of appointing the Comptroller and Register-Generals;" and as it appears to me inconsistent with the purview and spirit of the Constitution of the State, and also expedient, I cannot approve it. I have therefore directed the Secretary to return it to the House of Representatives, in which it originated, together with my objections—which follow:

First.—By the second Article of the Constitution, made and established by the People of the Commonwealth, on the second day of September, one thousand seven hundred and ninety, Section eight—"The Governor shall appoint all Officers whose Offices are established by that Constitution, or shall be established by Law, and whose appointments are not therein otherwise provided for." By Article sixth, Section fifth—"The State-Treasurer shall be appointed annually by the joint vote of the Members of both Houses; all other Officers in the Treasury Department, Attornies at Law, Election Officers, Officers relating to Taxes, to the Poor and Highways, Constables, and other Township Officers, shall be appointed in such manner, as is, or shall be directed by Law."

These being the parts of the Constitution, which have relation to the present Bill, the sole question is, what the Convention had in contemplation, by the words, "all other Officers in the Treasury Department, &c., shall be appointed, as is or shall be directed by Law?" If it had been intended, that the Members of the two Houses, should, by joint vote, appoint all other Officers in the Treasury Department, Attornies at Law, and the Officers enumerated in this Section, the Conven-

tion would have annexed this power, to that of the appointment of State-Treasurer, in the same sentence or clause. What then, it may be inquired, had they in view? My answer is, they might have supposed, that the Legislature might conceive it necessary, that other Officers should be appointed as a check upon him: They may also have had a reference to the County-Treasurers, Excise Officers, and others, who might be deemed necessary to collect and pay money into the State Treasury, as a part of the Revenue, not arising from Taxes, and who might be employed or commissioned solely for that purpose.

The Comptroller or Register-General has as little connexion with the Treasury Department as any other Officer in the State; the names of Officers, merely, cannot designate their department or duties; they receive no public money, nor pay any into the Treasury; they make no reports or reference to the State-Treasurer, nor are they amenable to him in any manner whatsoever; they are entirely connected with the Supreme Executive Department, and are denominated "the Department of Accounts;" their principal duty is to liquidate and ascertain the claims and demands against the Commonwealth, and to report them to the Governor; if they disagree, he is to decide, and thereupon to draw his warrant for the money on the State-Treasurer, specifying the appropriate fund. No reasons have been assigned in the Bill, why they should be considered as Officers in the Treasury Department, nor can I divine any.

Since the establishment of the present Constitution, these Officers have always been appointed by the Governor; and by the last Act of the Legislature, preceding the present Constitution, the Comptroller-General held his Office during the pleasure of the Supreme Executive Council. It may be said, that this was in pur-

suance of Acts of the Legislature; but under the first Constitution, the Supreme Executive Council were vested with the power of those appointments, though overruled by the House of Assembly; under the present, the Governor has the right to appoint these Officers, without the aid of the Legislature; and the last Act of Assembly on the subject may be construed as a recognition of it: at any rate, it cannot deprive any future Governor of his Constitutional rights; and at least proves, that the Governor in their opinion, was best qualified to appoint them.

By this Bill, the present Officers are to continue in Office, until the second Tuesday in January next, if they shall respectively so long behave themselves well; but there is no such provision for the future. I have long entertained doubts respecting the power of the Legislature to make any Office during good behaviour, except those so directed by the Constitution; if this can be done, a Governor having a suitable understanding with the Legislature, may place his favorites and their favorites on this foundation; and thereby not only preclude his successor from the aid of friendly co-adjutors in the arduous administration of public affairs, but also subject him to every difficulty, which can be contrived by enemies. This would be contrary to the practice of every well regulated Government, and not doing as we would wish to be done to us. Besides, the two Houses have no constitutional power to continue the present Officers a single day, against the will of the Governor: it would be encroaching too far on his authority, and destroying his responsibility.

Be all this as it may, the spirit of our Constitution is to keep the Legislative, Executive, and Judicial Departments, in the Government, as distinct and independent of each other as possible; it has prescribed limits to each, the barriers of which cannot be passed without a violation of this sacred instrument: The Executive

branch (among other duties) is to see that the Laws are faithfully executed; which he cannot so well perform, unless he has the appointment of the Officers necessary for that purpose. The Legislature are to make Laws not to expound them, nor to appoint those, who are to execute them.

Second.—It seems to me to be inexpedient.

On the face of the Bill, it appears manifest, that the Legislature have no objections to the present Officers; no Member has even hinted any thing of this kind to me; then why the necessity for, or what benefit can be derived from the alteration, at this time, of the mode of appointment? All Legislatures heretofore, for near fifteen years have thought this power should be deposited with the Governor, for the time being; and, if capable and good Officers have been appointed by him, as seems to be acknowledged, what advantage can be obtained, for the public service, by placing these Officers hereafter under the will and pleasure of an annual fluctuating body? Merit alone will not secure their constant re-election; they must acquire a knowledge of every new Member, as well as have address and management in canvassing for votes; and more adroit candidates will at all times render their situation irksome and precarious. Few men, worthy of these Offices, will be found, who will subject themselves to such a tenure; and the advantages of experience will be lost.

The first Comptroller and Register-Generals were appointed by the Legislature; the result is too well known, and has been too severely felt, to require any further animadversion; public default has likewise occurred in one of the State-Treasurers; more than two hundred thousand dollars, have, by these Officers, been misapplied. These instances afford no proof of the intended mode of appointment being the most salutary. With respect to myself, it is a matter of perfect indifference, who shall have the appointment of these Offi-

cers. The faithful discharge of the trust of appointing Officers must be always attended with great anxiety to a conscientious mind.

Having been a Member of as many Congresses, Conventions, Legislative Assemblies, and other public bodies, as perhaps, any Gentleman in the United States, permit me to declare, that from all my experience and observation, a large public body is not so well qualified to select the best characters for subordinate Officers, as a single person, responsible, unfettered, and independent.

The precedent being once established, of the two Houses of Assembly, assuming to themselves the power of appointing Executive Officers, "many an error, by the same example, will creep into the State." With more plausibility the Secretary of the Land-Office, the Surveyor-General, Receiver-General, and Prothonotary of the Supreme Court, may be declared to be in the Treasury Department, than the Accountant Officers; for they collect and pay a large proportion of the public Revenue to the Treasurer of the State.

I have no ambition for power; but I trust, I shall be excused in holding it as a sacred duty, to transmit the Constitution, (which approaches as near to perfection, as any that ever did, or does now exist in the world) to my successor, unimpaired and unshackled by any act of mine.

THOMAS M'KEAN.

Lancaster, March 25th, 1805.

To the Assembly vetoing "An act regulating the administration of justice within this Commonwealth."

Gentlemen:

I HAVE PERUSED AND CONSIDERED THE BILL, entitled "An act regulating the administration of Justice within this Commonwealth," and have directed the Secretary to return it to the House of Rep-

representatives, in which it originated, as I do not approve it.

My reasons against several Bills of the like nature, which have been presented to me within the last two or three years, appear at large on the Journals of both Houses; I shall, therefore, confine myself at present barely to mention:

First.—It is declared in the Constitution, “that trial by Jury shall be as heretofore.” By this Bill it cannot be had, until after the cause shall be tried and decided by Referrees. Exclusive of the time, trouble, delay and expence attending the first trial, there is danger to be apprehended of subornation of perjury from the evidence and strength of the respective parties being previously known, and the minds of the Jury, on the subsequent trial, will probably be influenced by the first decision. It appears to me, that it would be more eligible for Suitors in our Courts, to pay a certain stipulated sum of money to the State, for an allowance to have a trial by Jury in the first instance.

Second.—It is provided by the Constitution, “that the Judges of the Supreme Court, and the Presidents of the several Courts of Common-Pleas shall, at stated times, receive, for their services, an adequate compensation, to be fixed by law, which shall not be diminished during their continuance in office.” The President of the first Circuit, composed of the county of Philadelphia, &c., has, by law, at present, two thousand dollars a year; the other five, sixteen hundred. By the present Bill, the salaries of all the Presidents are reduced to thirteen hundred dollars a year, with an addition of two dollars daily wages, for every day they shall be employed in holding Courts. It should have been submitted by the Bill, to the several Presidents heretofore commissioned, who reside within their former and newly appointed Circuits, whether they would accept of the alternative or not; otherwise it appears to me, to

be a palpable violation of another part of the Constitution, which declares, "that no Law impairing Contracts shall be made." Besides, it appears to me, that the forms for the administration of Justice, prescribed by this Bill, are not so good as those which at present exist.

THOMAS M'KEAN.

Lancaster, March 29th, 1805.

To the Assembly vetoing. "A supplement to the Act entitled 'An act supplementary to the several acts of the Assembly for the establishing the judicial courts of this Commonwealth in conformity to the alterations and amendments in the Constitution.' "

Gentlemen:

THE BILL, ENTITLED "A SUPPLEMENT TO THE act, entitled 'An act supplementary to the several acts of Assembly for the establishing the judicial courts of this Commonwealth in conformity to the alterations and amendments in the Constitution," was presented for my consideration at the close of the last session of the Legislature, when having twenty-five other bills before me, it was not in my power with due deliberation to return it previously to the adjournment.

I am not however disposed to lament this delay, for beside the opportunity that has been given to consider the frame and operation of the bill itself, I trust the disposition manifested by our constituents, and doubtless felt by you, to establish a judicial system upon comprehensive and efficient principles, will induce you to deem it fortunate that this particular, inadequate and temporary arrangement has not been adopted. I have directed the bill to be returned to the Senate, in which it originated.

My objections to the bill itself arise from considerations respecting the administration of justice, as well as respecting the general policy of the State. For,

1. The bill would increase the delay of justice, would not diminish the expence of law suits, and, with the present number of judges, would be oppressive, if not impracticable.

The judges of the supreme court are required to hold a circuit court in each county, in which even a single suit is depending, once in every year. Though a single judge may hold a circuit court, it will always be expedient to assign two judges for that duty, to prevent disappointment and the loss of a session by an accident happening to either. Now, there are forty-two counties and only four judges of the supreme court. The three regular terms of the supreme court will require nine weeks. An attendance of one week in each county upon the circuit, will require twenty-one weeks. In travelling between Philadelphia and Pittsburg, to hold the terms of the supreme court, three weeks would be employed; and the mere travelling to hold the several circuit courts, could not be performed in less than eight weeks. Thus every judge of the supreme court must be in constant occupation, without any allowance for infirmities, or casualties, during forty-one weeks in every year.

Again. In some counties, there is scarcely any business depending in the courts: In other counties, the business almost clogs the wheels of justice. Yet the annual session of the courts is directed to be the same in each of these description of counties.

Again. Causes originating in the proposed western district, must be removed into the supreme court, to the September term, held at Pittsburg; and can only be there tried at the distance of a year; whereas if they were removable to the supreme court in Philadelphia, they might be decided in the preceding December or March term.

Also: The great accumulation of business which obstructs the administration of justice, naturally exists in our commercial metropolis. Every suspension of the courts in Philadelphia, adds therefore to the evil; and a transfer of the jurisdiction of the supreme court from Philadelphia to Pittsburg, for a term, is in a great measure shutting the temple of justice, against foreign and domestic merchants, and against every class of citizens connected with the transactions of a great emporium of trade. It is true, that the inconvenience is not inconsiderable, which a citizen of the western country incurs by attending the supreme court in Philadelphia; but the nature of the controversies that occur, the value of the property in dispute, the number of the suits and the urgency of the cases, must, with every candid mind shew the necessity of a sacrifice of the immediate accommodation of a few individuals, to the general benefit of the community.

2. The bill would be injurious to the general policy of the State which consists in the unity of its territory, its jurisdiction, its laws, and its habits.

The proposition to divide the State for judicial purposes into an eastern and western district, nearly conforming to the demarcation of the boundary of our mountains, will naturally revive the ideas of a political division, hitherto deemed to be so alarming and injurious.

Not only the prosperity of Pennsylvania, but the prosperity of the Union, will greatly depend on an adherence to the territorial distinctions of the States, as well as to the spirit of our political compact.

THOMAS M'KEAN.

Lancaster, December 3, 1805.

Opening address to the Assembly—1805.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

IT GIVES ME PECULIAR PLEASURE, AT THIS time, to address a General Assembly, convened under the immediate influence of the public sentiment; and acting with enlightened minds, and patriotic dispositions, in the service of our country. The completion of some of the essential arrangements of our civil polity; the application of a practical system of legislation, to the purposes of a republican government; a vigilance, without jealousy, which will merit and preserve the confidence of the people; and a benevolence (soaring above pride and prejudice) which cannot fail to allay the feuds, and to conciliate the differences of party; will, I am confident, honorably distinguish the transactions of the present session.

In discharging the duties assigned to the executive magistrate, I find little to communicate for your information, or to recommend for your interposition, that has not upon former occasions, been submitted, to the consideration of the Legislature. The national prosperity continues to be the aim and the effect, of the wise and virtuous labours of the federal administration; while the immediate prosperity of Pennsylvania conspicuously displays the industry, morality and public spirit of her citizens. In relation to the Union, however, we see with regret, that the aggressions of foreign nations, ruinous to our commerce, and insulting to our independence, may, eventually, compel the federal government, to sacrifice its laudable love of peace, to an honorable assertion of its rights and dignity. The happiness of Pennsylvania, too, has not been without alloy. A recurrence of the malignant fever in Philadelphia (notwithstanding the judicious and exemplary conduct of the members of the board of health, whose per-

sonal hazards are great, though their pecuniary compensation is small) has been attended with considerable mortality, expence and embarrassment; while the agitations of political parties seemed for a while, to annihilate that feeling of mutual respect and esteem, to extinguish that sense of common interest and danger, which constitute the only durable cement of society.

There has not appeared to me, fellow-citizens, a period in my administration, more auspicious to press upon your attention the great points of republican policy: I mean the institutions of public education, of public justice, and of public force.

Our government is a republic, in which the people constantly act, through the medium of the representative principle. Such a government must be a type of the people themselves; and will be good or bad, just as they are, or are not, virtuous and intelligent. To inculcate virtue and promote knowledge among the people, is therefore the natural, the necessary course, for invigorating and perpetuating a republican government. The framers of the Constitution of Pennsylvania (an instrument that does honour to the human intellect) aware of the principle, which is essential to effectuate their great work, emphatically declared, "That the Legislature shall, as soon as conveniently may be, provide by law, for the establishment of schools throughout the State, in such manner, that the poor may be taught gratis." Let me, then, claim an early attention, for the important subject. It remains with you, by making an adequate provision for men of science in public seminaries, to introduce a general system of education, that shall infuse into the mind of every citizen a knowledge of his rights and duties; that shall excite the useful ambition of excelling in stations of public trust; and that shall guard the representative principle, from the abuses of intrigue and imposture.

The next great point in a republican government, is

the establishment of a pure, able, and efficient administration of justice. The organization of the judicial power of Pennsylvania, has been long, and fairly condemned. But there is not a defect suggested, from any quarter, which the Legislature is not competent to remedy. The authority of the judges may be restricted or enlarged. The law which they dispense, whether statute law, or common law, may be annulled, or modified. The delay of justice may be obviated by increasing the number of judges, in proportion to the obvious increase of judicial business; or by instituting local tribunals, where local causes demand a more constant exercise of jurisdiction. With this view of the subject, and anxious to destroy every pretence for an attack upon our Constitution, I pray you, gentlemen, to engage, head and heart, in every necessary, in every salutary reform.

To the efficiency of the public force, freemen, who will allow none but freemen to compose it, are bound in duty, and in interest to attend. The militia of Pennsylvania is numerous and respectable. Its numbers will augment with the general population; but, its respectability has hitherto, in a great degree, depended upon individual exertions, in discipline and expence. The militia should be the immediate care of the government; and the rules and principles by which it acts, should be universal. If these suggestions should lead to a consideration of the laws respecting the militia, I am persuaded many other improvements will occur to yourselves, that will be highly beneficial to the State. It may be proper to add, that the authority given by a late act, to appoint a quarter-master-general, remains unexecuted; because neither the duties of the station, nor its emoluments were assigned; and consequently, no person has applied for, or can reasonably be expected to accept, the office.

Besides the primary objects for legislative considera-

tion, to which I have adverted, there are others, that merit attention, so far as it can be given, consistently with more important claims, and with a regard to public economy. I will trouble you with a recapitulation of some, referring to the legislative records for the rest.

Those acts (particularly such as concern the administration of justice) which involve a constitutional question, ought, perhaps, to be attentively revised; but, independent of a constitutional difficulty, it is expedient, that the frame and operation of the law respecting jurors, of the law for the payment of costs on public prosecutions, and of the law directing the sale of unoccupied lands for taxes, should be examined and modified.

The penal laws are susceptible of some amendments. In those offences, differing often in the degree of atrocity, but to which the law affixes, invariably, the same fine or penalty, something not exceeding a certain amount, should be left to the discretion of the court, for the purposes of discrimination. The removal of convicts, under a sentence of imprisonment for a single year, from the remotest parts of the State, to Philadelphia, is attended with an expence, which cannot be compensated by any consideration that originally produced the regulation.

Bills for erecting election districts, bills for incorporating societies of different denominations, bills for regulating ferries, fisheries and mill-dams, and bills for the accommodation of private parties, have absorbed much of the time of the Legislature, and of the treasure of the State. I submit to your judgment whether the business of election districts might not, upon proper terms, be referred to the judges of the common pleas, and commissioners of the respective counties; and whether every bill of a private nature should not be prepared and prosecuted at the expence of the party.

Enquiring into the execution of the existing laws, you will find, with satisfaction, that the commissioners

employed in settling the business of the Seventeen Townships of the county of Luzerne, have performed their trust, with impartiality and decision, while the various incorporated companies, for the improvement of roads, rivers and bridges, in the different parts of the State, exhibit works of expence, utility and duration, which considered as the effect of private wealth, in promoting public good, would do honor to any age, and any country. On the improvement of the navigation of the Ohio (an object highly interesting to our western counties). I have addressed the Governors of the several States, connected with the waters of that river. Copies of the separate resolutions of the Senate and House of Representatives, proposing amendments in the judicial article of the federal constitution, were regularly communicated to each of our Sister-States. how far these resolutions are constitutionally valid, as they were not joint resolutions, of both branches of the Legislature, nor were presented to the Governor for his approbation, may hereafter occasion a doubt; but could not prevent my paying a respect to whatever appeared, in any shape, as a legislative wish.

Gentlemen of the House of Representatives:

The officers of the proper department will lay before you, a statement of the public accounts, and of the revenues and demands for the ensuing year. For the ordinary establishment of the government, I believe the revenues will be equal to the demands; but, you will, no doubt, justly estimate the policy of creating an additional fund, for the purposes of public education, and of the militia.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

It will not be thought an improper call upon your patriotism, when I say that the eye of the Union, as well

as of Pennsylvania, is anxiously fixed on the course of your deliberations and conduct. The general hope and expectations, rest upon the assurance, that you are not only resolute to maintain your Constitution, but to defend the principles of the revolution, and to uphold the standard of republicanism.

For my own part, I promise a cheerful co-operation in all your public measures upon a constitutional and republican basis; and be assured, Gentlemen, that I shall be solicitous on every occasion to promote your private happiness; upon principles of mutual respect, esteem, and confidence.

THOMAS M'KEAN.

Lancaster, December 5, 1805.

Proclamation Continuing for the Time Being all Officers under Executive Appointment.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



I N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor or the said Commonwealth.

A PROCLAMATION.

Whereas, the Speaker and Members of the Senate, and the Speaker and Members of the House of Representatives of the General Assembly of the said Commonwealth of Pennsylvania, have duly certified, that the said Speaker of the Senate, did, on the sixteenth day of December instant, in the Chamber of the House of Representatives, in the Borough of Lancaster, open

and publish the returns of the late Election of a Governor of the said Commonwealth, in the presence of both Houses of the Legislature, conformably to the Constitution of the said Commonwealth, and that upon counting the vote, by a Teller appointed from each House, it appeared that Thomas M'Kean had a majority of votes. Whereupon, the said Thomas M'Kean was declared to be duly elected Governor of the said Commonwealth, and having first taken the Oath of Office, was accordingly on this seventeenth day December proclaimed Governor thereof. Now in pursuance of the power and trust to the Governor of this Commonwealth by the Constitution and Laws granted and confided and for preventing all failure in the administration of Justice, I the said Thomas M'Kean, have deemed it expedient to issue this Proclamation, Hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued, and which were in force on this day, until the said appointments, and commissions, or any of them, shall be by me superceded and annulled. And all Officers holding appointments and commissions during the pleasure of the Executive Magistrate of this Commonwealth, are required before the expiration of thirty days, to enter into new Bonds, with sufficient Sureties, for the faithful performance of their respective Offices, in such cases as the laws require Bonds and Sureties to be given.

And I do further direct and enjoin all public officers engaged in the several Departments of the Government, to proceed with diligence and fidelity, in the performance and execution of the duties of their respective Stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State, at Lancaster, this seventeenth day of December,

in the year of our Lord one thousand eight hundred and five, and of the Commonwealth the thirtieth.

By the Governor.

T. M. Thompson, Sec.

To the Assembly transmitting certain documents, and giving notice that the act for the recovery of the debt due the Commonwealth from the late John Nicholson remains unexecuted.

Gentlemen:

THE SECRETARY WILL DELIVER HEREWITH, to the respective Houses, copies of a letter from his Excellency John Sevier, Esquire, Governor of the State of Tennessee, accompanying a resolution of the General Assembly of that State, of the fourth of November last.

I take this opportunity of informing the two Houses, that Samuel Nicholson and Samuel Blythe, have neglected to enter into the contract offered them by the act, entitled "An act for the more effectual and speedy recovery of the debt due from the late John Nicholson to this Commonwealth," passed the fourth of April last; and that no proposal has been made to me by any other person, or body corporate, for the payment of that debt; so that the said act of Assembly remains unexecuted.

THOMAS M'KEAN.

Lancaster, March 6, 1806.

"State of Tennessee,

Knoxville, January 28, 1806.

"Sir:

"I do myself the honor to inclose to your Excellency, a copy of a resolution entered into by the Legislature

of this State, which you will please lay before the Legislature of the State over which you preside, at their next session.

"I have the honor to be,

"Very respectfully,

"Your Excellency's most obedient servant,

"John Sevier.

"His Excellency The Governor of the State of Pennsylvania.

"State of Tennessee,

"In General Assembly,

"November 4, 1805.

"Resolved, That our Senators in the Congress of the United States be instructed, and our Representatives be requested, to take all legal and necessary steps, to use their utmost exertions, as soon as the same is practicable to obtain an amendment to the Federal Constitution, so as to authorise and empower the Congress of the United States to pass a law, whenever they deem it expedient, to prevent the further importation of slaves from any of the West-India islands, from the coast of Africa, or elsewhere into the United States, or any part thereof.

"Resolved further, That the Governor be, and he is hereby requested to transmit copies of the foregoing resolution, to our Senators and Representatives in Congress; also to the Executives of the different States, with a request that the same may be laid before their respective Legislatures, for their consideration and adoption."

Proclamation of Reward for the Apprehension of
Jacob Brenneman.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



I N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that a certain Jacob Brenneman, in company with other persons unknown, on the night of the twenty-seventh ultimo, between the hours of 10 and 12 of the clock, went in a clandestine manner to the House of his father-in-law Michael Haas, a peaceable and orderly inhabitant of Lancaster county, and then and there, after having called him from his bed and rudely demanded admission into the House, violently, maliciously and with intent to murder him, attacked the person of the said Michael Haas by first thrusting against his face the small end of a loaded pistol and afterwards discharging at him the same pistol, thereby inflicting on the said Michael two dangerous wounds, which it is feared will prove mortal. And Whereas the honor and reputation of the Government, the peace and security of its citizens and the obligations of justice and humanity require, that the perpetrator of an offence at once so atrocious and unnatural, should be speedily and severely punished; I have thought it proper to issue this Proclamation, hereby offering a reward of two hundred dollars to any person or persons who shall apprehend (within the limits of this Commonwealth) and secure the said Jacob Brenneman, in order to his being brought to trial, to be paid on the

delivery of him the said Jacob into the custody of the Sheriff of Lancaster county. And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth, according to the duties of their respective offices, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing the said Jacob Brenneman to justice.

Given under my hand and the Great Seal of the State, at Lancaster, this first day of April, in the year of our Lord one thousand eight hundred and six, and of the Commonwealth the thirtieth.

By the Governor.

T. M. Thompson, Sec.

Jacob Brenneman is about 40 years of age *——— high, well made and walks erect, of a dark complexion *——— when agitated has an impediment in his speech *——— of a cooper, but has generally followed post and *———, he is a good workman. When speaking to any person he has a peculiar motion with the right shoulder, drawing it upwards, at the same time fixing or adjusting his clothes with his left hand. When looked at steadily he turns his eyes to the ground opening and shutting them with a quick motion—he chews tobacco and spits constantly—he is apt to change his name, calling himself Prenner.

Opening Address to the Assembly—1806.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

THE FAVOR OF DIVINE PROVIDENCE continues to manifest itself towards our country; producing an unprecedented state of public and private prosperity. The rapid extension of settlements throughout Pennsylvania; the constant improve

*Original mutilated at points left blank.

ment in her city, towns and villages; the facility with which labour acquires independence; and the security which every good man enjoys for his person, his religion and his property; may also be justly regarded as proofs of the innate virtue of the people, and of the practical excellence of a republican government. To this general view of the situation of the Commonwealth, the experience of the present year adds peculiar topics for congratulation and gratitude. At no former period has the blessing of health been more generally diffused; no former season has furnished a greater abundance of the various fruits of the earth; and the reviving harmony of social life seems to give to the present session of the Legislature, an influence, and a hope, the most auspicious, and the most precious.

The enlightened and patriotic conduct of the Federal administration affords an ample assurance that the peace, the honor, and the independence of the Union, will be guarded alike against foreign outrage, and domestic tumult. But, gentlemen, the Legislative trust of the individual States is an essential, as well as a constitutional auxiliary to the authority of the Federal government: For it is your immediate province to improve every local advantage, and to supply every local want; to elevate the morals and to reform the manners of the community; to establish the dominion of the laws over the passions, or the vices of individuals, to mature the deeds of national opulence by the cultivation of useful arts and sciences and to lay the foundations of national strength in a brave and disciplined militia. A trust so important will, I am confident, awaken all your vigilance and engage all your wisdom: And I renew, with deference but with sincerity, the offer of a cordial co-operation in every measure calculated to advance the political or the social happiness of our constituents.

The records of the General Assembly will bring to

your view most of the objects, that have hitherto been deemed material to complete the system of our laws, upon the principles of the constitution. In the judicial department, I pray you particularly to consider the incompetency of the number of the judges of the supreme court to the performance of the duties annually required in the forty-two counties of the State. The abolition of the high court of errors and appeals renders indeed an augmentation of the number indispensable, in order to secure a satisfactory revisionary power; without which (contrary to the soundest maxims of jurisprudence) the errors of a first judgment pronounced by a single tribunal will exist without remedy or controul. Every attempt to insure an impartial trial by jury in civil as well as in criminal cases, merits approbation; but permit me to suggest, that the chance of the wheel (which operates advantageously in that respect) must frequently produce a pannel of jurors, whose previous education and pursuits may not have qualified them to investigate and decide the complicated questions that arise, especially in a great commercial city. If therefore, with the means for insuring impartiality you can combine the means to insure a competency of knowledge as well as of integrity, for the various duties to be performed, your system will be at once efficient and meritorious.

In connection with the administration of justice you will naturally be led to examine the state and operation of our criminal code; and although I am not aware of any radical defect either in the theory or the practice, it is time perhaps to enquire and to ascertain whether punishments have been duly apportioned to crimes; and whether even the necessity to punish may not be relieved in a salutary degree by employing additional instruments of precaution and prevention. An increase of petty offences in the city and county of Philadelphia may be ascribed to the increase of a

particular description of the population; comprising not only the idle and the dissolute of our own State, but the fugitive and the depraved from other States. The inconvenience and the danger require an early and a certain corrective, but in its application care will be taken, I am persuaded, to maintain the public police without violating the rights of humanity.

May I not here be allowed, without incurring the imputation of a personal motive, to remind the legislative guardians of the reputation as well as of the lives and fortunes of our fellow citizens, that libelling (gross and malignant libelling) has become the crying sin of the nation and the times. It is not the licentiousness of a single press; nor the machinations of a particular party, to which, in the faithful execution of my office, the Legislative attention is thus directed: The crime is to me the same, whoever may be the criminal and whoever may be the victim. But it is the general prostitution of the liberty of the press; the overwhelming torrent of political dissention; the indiscriminate demolition of public characters; and the barbarous inroads upon the peace and happiness of private individuals; which constitute in my mind a subject of the highest concern to yourselves and to your posterity. The fatal consequences of this public malady begin already to appear. The press has lost its uses, as an instructor, and a censor. Citizens of the same community are pledged to mutual hatred and persecution. All respect for the magistracy and the laws is falling into derision. Good and wise men will soon abandon the field of public service, and, with a fatality not uncommon in the history of nations the avowed friends of a free representative government are arming its real enemies with weapons for its destruction.

The evil, gentlemen, is obvious and afflicting; but where shall we seek the antidote and the cure? The most zealous advocates of a free press have always

thought, that to preserve its liberty its licentiousness must be restrained. The law provides perhaps sufficiently for the punishment of a convicted libeller; but the inadequacy of that species of reparation to the feelings and fame of the injured individual; and even the opportunities to escape conviction; are points on which the law is still susceptible of great and constitutional amendment. I would therefore venture to suggest that every printer who assails the character of a citizen should be compelled, if required, to publish the defence; that every printer and editor of a newspaper, or other periodical work should register his name in some public office of the proper county, to be evidence of the fact of publication upon trials at law; and that whenever a grand jury shall present a press as a public nuisance, the printer and the editor should be bound in a recognizance, with sureties for their future good behaviour and the court authorized to suppress it for a limited time. But after all it cannot be denied, that the only effectual remedy must be supplied, by the good sense and virtue of the community; since the crime of libelling like the crime of duelling will forever depend for its indulgence and its impunity, upon public taste and public opinion. Your predecessors, indeed, lately enacted a law for the more effectual prevention and punishment of duels: But reflecting that duels are among the natural and usual effects of libels, you gentlemen will, I am confident, be solicitous to discredit and suppress the cause of such complicated mischief by the influence of your example and advice, as well as by the exercise of your Legislative authority.

In contemplating those objects of public improvement, which require the aid and sanction of the government, the general condition of our roads, especially on the Laurel-hill and on the north-west side of the river Ohio, our waters and canals will merit particular

favor and attention. A patriotic and laudable spirit of enterprize has led in this direction to the disbursement of a great mass of private wealth; but it is reasonable as well as politic, that a competent contribution should be made by the ample resources of the Commonwealth, to avert from several important undertakings the danger of failure and disappointment. The projected canals between the bays of Delaware and Chesapeake and at the rapids of the river Ohio claim preeminently the pecuniary succour of Pennsylvania, Kentucky, Maryland and Delaware; and they are indeed national objects, which would well deserve the patronage of the Union.

The number, discipline, and equipment of the militia are such as do honor to the freemen who compose it, and to the government by which it is organized and directed. An addition of twenty thousand stand of muskets and twenty-five brass field pieces, has been recently made to the arms and ordnance of the State; but a further appropriation will be necessary, to furnish cartouch-boxes and other accoutrements. Permit me also to remind you that the accumulation of arms, ordnance and military stores renders it expedient to provide more effectually for their security and preservation.

Gentlemen of the House of Representatives:

The official reports of the Comptroller and Register will exhibit a comprehensive view of our finances; in the result of which you will perceive, that the ordinary revenue of the State is sufficient to defray the ordinary expences. But it has been a favorite object in my communications to your predecessors, to prevail upon them to raise by a moderate tax, a specific fund for the expences of government; leaving the annual income of our stock, for the advancement of works of public utility and the endowment of seminaries of

education. A renewal of the suggestion, will not be disagreeable to a general assembly, in whose attachment to the principles of republicanism, in whose exertions for the diffusion of knowledge I repose an implicit confidence, and at a time when the general prosperity seems to invite it.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

We meet for the performance of an arduous and important duty. The purity of your motives and the rectitude of your conduct will, I am persuaded, justify the confidence that is reposed in you. As to myself, I have ever felt the best dispositions of heart and of head to repay the obligations which I owe to my country, for its kindness during a long and active life. It cannot however be presumed, that I have not erred in judgment on former occasions; nor do the infirmities of age diminish the probability of future errors. Let me therefore bespeak a candid interpretation of my words and my actions; and, if a difference of opinion should arise between us upon public affairs, let both lament it as a misfortune; but let neither impute it as a crime.

THOMAS M'KEAN.

Lancaster, December 4, 1806.

Proclamation Announcing the Election of Doctor
John Porter as Representative in Congress.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor or the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided, in and by an Act of the General Assembly of Pennsylvania, entitled "An act to provide for the Election of Representatives of the people of the State, in the Congress of the United States," that the Governor having received the returns of the election from the Sheriff of the city and county of Philadelphia and the respective Sheriffs of the several counties of this Commonwealth, shall declare by Proclamation, the name of the person or persons to him returned as duly elected in each respective district. And Whereas, it appears, from the return of an Election held on the twenty-seventh day of November last (in pursuance of a Writ issued by me for that purpose, according to the directions of an Act of Assembly in such case made and provided, passed the eighteenth day of February, 1805) in and for the district of the city and county of Philadelphia, and county of Delaware, that Doctor John Porter has been duly elected to serve in the House of Representatives of the Congress of the United States to supply the vacancy occasioned by the resignation of Michael Leib, esquire.

Now therefore, I have issued this Proclamation, hereby publishing and declaring, that the said Doctor John Porter is duly elected and chosen, as a Representative of the people of this Commonwealth, to serve

in the House of Representatives of the Congress of the United States, for and during the remainder of the term for which the said Michael Leib, esquire, was elected to serve.

Given under my hand and the Great Seal of the State, at Lancaster, the eighth day of December, in the year of our Lord, one thousand eight hundred and six, and of the Commonwealth the thirty-first.

By the Governor.

T. M. Thompson, Sec.

Proclamation Announcing the Election of Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



I N THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor or the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An act to provide for the election of Representatives of the People of this State in the Congress of the United States," passed on the second day of April, A. D. 1802; that the Governor having received the returns of the Election from the Sheriff of the City and County of Philadelphia and the respective Sheriffs of the several Counties of this Commonwealth shall declare, by Proclamation, the name of the Person or

Persons returned as duly elected in each respective district:

And Whereas, it appears from the Returns of the General Election held on Tuesday the fourteenth day of October last, in and for the several districts hereinafter specified, that the following named Persons were duly elected to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, vizt:

In the District, composed of the City of Philadelphia and counties of Philadelphia and Delaware, Doctor John Porter, Jacob Richards and Joseph Clay:

In the District, composed of the Counties of Bucks, Montgomery, Northampton, Wayne, and Luzerne, Robert Brown, William Milnor, and John Pugh.

In the District, composed of the Counties of Chester, Berks and Lancaster, John Heister, Matthias Richards and Robert Jenkins.

In the District, composed of the Counties of Dauphin, Cumberland, Mifflin and Huntingdon, Robert Whitehill and David Bard.

In the district, composed of the Counties of Northumberland, Lycoming and Centre, Daniel Montgomery, Junior.

In the District, composed of the Counties of York and Adams, James Kelley.

In the District, composed of the Counties of Franklin and Bedford, John Rea.

In the District, composed of the Counties of Westmoreland, Armstrong, Indiana, Jefferson, Somerset and Cambria, William Findley.

In the District, composed of the Counties of Fayette and Greene, John Smilie.

In the District, composed of the County of Washington, William Hoge.

In the District, composed of the Counties of Alle-

gheny, Beaver, Butler, Mercer, Crawford, Erie, Venango and Warren, Samuel Smith.

Now therefore, I have issued this Proclamation, hereby publishing and declaring that the said Doctor John Porter, Jacob Richards, Joseph Clay, Robert Brown, William Milnor, John Pugh, John Heister, Matthias Richards, Robert Jenkins, Robert Whitehill, David Bard, Daniel Montgomery, junior, James Kelly, John Rea, William Findley, John Smilie, William Hoge and Samuel Smith, are duly elected and chosen as Representatives of the People of this State, in the Congress of the United States, for the term of two years, to commence from the fourth day of March next.

Given under my hand and the Great Seal of the State, at Lancaster, the Twelfth day of December, in the year of our Lord one thousand eight hundred and six, and of the Commonwealth the thirty-first.

By the Governor.

T. M. Thompson, Sec.

Proclamation of Reward for the Apprehension of
one James Jamison an Escaped Murderer.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor or the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic Information that James Jamison, who was lately confined in the Jail of the County of Dauphin, under sentence of

Death, for the Murder of a certain Jacob Eshelman, and upon whom I have ordered the said Sentence to be executed on the twenty-ninth instant, has made his escape from the said Jail, and is now at large, lurking about, to the great Terror of the good People of the said County, and of this Commonwealth.

And Whereas, it is of the utmost importance that the Perpetrator of a crime so heinous, should be speedily brought to condign and exemplary punishment.

Now therefore, I have thought it proper to issue this Proclamation, hereby offering a Reward of four hundred dollars to any person, or persons, who shall apprehend, secure, and safely deliver the said James Jamison into the custody of the Keeper of the Jail of the said County of Dauphin, or of the Keeper of any other County within this Commonwealth, in order that the Sentence aforesaid may be executed upon him for the said crime. And I do hereby require and enjoin all and singular, Judges, Justices of the Peace, Magistrates, Sheriffs, and Constables, and other Officers within this State, to make diligent enquiry after, and to use their utmost endeavors to apprehend and secure the said James Jamison, so that he may be dealt with as aforesaid. And further, I do hereby warn and enjoin all persons whomsoever, to forbear from harboring, abetting, or comforting the said James Jamison, at their peril.

Given under my hand, and the Great Seal of the State,
at Lancaster, this twenty-seventh day of December,
in the year of our Lord one thousand eight hundred
and six, and of the Commonwealth the thirty-first.

By the Governor.

T. M. Thompson, Sec'y.

Said Jamison is about 30 years of age, about 5 feet 5 or 6 inches high, sandy complexion, long sandy hair, which he generally wears put up with a comb. He had

on when he broke jail a brownish coloured Coat, dark coloured Jacket and Pantaloons, light blue woolen Stockings, calfskin Shoes, tied with silk strings, and a fur Hat; but as he has other clothing with him, it is probable he will change his Dress. At the time he made his escape, he had an Iron Collar round his neck, which he can easily conceal with his Handkerchief. By trade a Taylor, talks both the English and German Languages correctly. It is said, that on one of his feet part of three toes are missing, and on the other, part of two, which he lost by getting his feet froze.

To the Assembly concerning a United States turnpike.

Gentlemen:

AT THE REQUEST OF HIS EXCELLENCY Thomas Jefferson, esquire, President of the United States of America, I submit to your consideration his letter of the twenty-fourth instant, and its inclosures, for the purpose of obtaining from the Legislature of this State, an act to authorize the laying out and making a public road from Cumberland, in the State of Maryland, to the State of Ohio, which will run about eighty-one miles through Pennsylvania.

The route of the intended road has been partially reported to his Excellency by commissioners appointed by him, with an expectation that the same may be begun to be carried into execution early in the ensuing spring.

A copy of the President's letter of the act of Congress, and the report of the commissioners, will be presented by the Secretary to each House.

As the road has been considered as a national benefit,

the subject will merit your candid and speedy attention.

THOMAS M'KEAN.

Lancaster, December 29, 1806.

Documents.

"Washington, December 24, 1806.

"Sir:

"The national Legislature by an act of their last session for laying out and making a road from Cumberland, in Maryland, to the State of Ohio, authorized the President to appoint commissioners for laying it out, in such direction as they should judge proper and he should approve; and the President, after obtaining the consent of the States through which it should be laid out, was authorized to take prompt and effectual measures to have it made. The commissioners have so far proceeded as after diligent and exact examination of the ground, to fix on certain points through the whole distance by which it shall pass. The intermediate tracings between these points cannot be executed until the spring, when the work of making the road may be begun, should the consent of the Legislature be in the mean time obtained. Apprehensive, that that of your State may then be out of session, I have asked and received from the commissioners a partial report, fixing only the general points. This I take the liberty of inclosing to you, with a copy of the act of Congress, and ask the favor of you to lay the same before the Legislature of your State, with my request on behalf of the nation, that they will give the consent of their State for the establishment of the road along such of these point as are within the same; and along such intermediate tracings as the commissioners shall mark out with the consent of the President. Should they deem it expedient, so far to anticipate the proceedings in this business, it will prevent the loss of a year in its exe-

cution. I pray you to accept the assurance of my high consideration.

Th. Jefferson. •

"The commissioners appointed under a law of the United States, entitled "An act to regulate the laying out and making a road from Cumberland, in the State of Maryland, to the State of Ohio," not being prepared at this time to make such report as the law requires, and fearing that a delay might be attended with injurious consequences, have thought best to submit the enclosed statement to the President of the United States, for his information on that subject, and are respectfully,

"Joseph Kerr,

"Thomas Moore.

"City of Washington, Dec. 24, 1806.

"Thomas Jefferson, P. U. S."

"The following is the statement of the distances between the several points which are to be embraced in the road from Cumberland, on the Potomac, to the river Ohio, near the point of Wheeling island:

"Beginning at a stone marked No. 1, on the point above the junction of Wills creek with the north branch of Potomac, and in the town of Cumberland; thence through the gap of Gwynn's mountain, and passing Evan Gwynn's to the mouth of Winter's run, a branch of Braddock's run, by the meanders of the road, and surface measure

Miles.	Perches
6	240

"From thence to Jesse Tomlinson's on a direct line; same measure,	12	76
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"From thence to the Pennsylvania line, near the summit of the Negro mountain, and about a mile north of the present road; same measure,	5	185
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"From thence to the Youghagany river near the mouth of Rodger's run,	14	270
"From thence to Brownsville,	32	162
"From thence to Bridgeport, crossing the Monongahela river below Josiah Craw- ford's ferry, and thence to the Ohio river, near the lower point of Wheelen island, . .	45	215
"Making in all one hundred and seventeen miles and one hundred and eighty-eight perches; of which about twenty-four miles and one hundred and eighty-eight perches, is through the State of Maryland; eighty-one miles, through the State of Pennsylvania; and twelve miles through the State of Virginia.		

"Joseph Kerr,

"Thomas Moore.

"City of Washington, 24th Dec., 1806.

To the Assembly transmitting resolutions from the
Legislature of Kentucky concerning illegal exact-
tions at Natchez and New Orleans, and other re-
solutions approbatory of the Federal Government.

Gentlemen:

IN COMPLIANCE WITH THE REQUEST OF HIS
Excellency the Governor of Kentucky, I submit to
the respective Houses, copies of a Resolution of the
Legislature of that State, respecting illegal exactions
practised at the ports of Natchez and New Orleans;
other Resolutions by the same Legislature expressive
of the sentiments of their constituents towards the
Government of the United States, have also been re-
ceived for information, copies of which will likewise
be herewith laid before you.

THOMAS M'KEAN.

Lancaster, January 28, 1807.

DOCUMENTS.

"Frankford, (K.) December 22, 1807.

"Sir:

"In compliance with the request of the Legislature of this State, I transmit to you a copy of several resolutions agreed to in the present session, expressive of the sentiments of this State, towards the Government of the United States.

"I have the honor to be,

"Sir,

"Your most obedient servant,
Christopher Greenup.

"His Excellency

"The Governor of the State

"of Pennsylvania.

"In General Assembly,

"December 4, 1806.

"Whereas it is considered of importance, that citizens living under the same government, should be correctly informed of the views and intentions of every portion of the community; and as the sentiments of the people of Kentucky may be misunderstood by those who, from their remote situation, have not an opportunity of judging of the disposition which the citizens of this State, entertain towards the general government; and as an expression of the public will through their representatives, is deemed the most effectual mode to prevent any misapprehension of our sentiments, which might be occasioned by the conduct of individuals, or might grow out of misrepresentation.

"Resolved therefore by the General Assembly, That the people of Kentucky feel the strongest attachment to the federal government, and consider a dismemberment of the Union as the greatest evil which could befall them and would view with abhorrence any individual or set of individuals, who would attempt to sepa-

rate us from those whose interests are so intimately connected with our own, and for whom the people of Kentucky entertain an unchangeable attachment arising from a lively recollection of their united efforts for liberty.

“Resolved, That the people of Kentucky have entire confidence in the present administration of the general government, and have no doubt that such measures will be pursued as are best calculated to secure us peace and tranquility, and at the same time preserve our national Honor from insult.

“Resolved, That the Governor of this State be requested to transmit copies of the foregoing resolutions, to the President of the United States, to the Executives of the different States, and to our present Senators and Representatives in Congress.

“Frankfort, (K.) January 3, 1807.

“Sir:

“I have the honor, by direction of the Legislature, to enclose your Excellency a Resolution respecting some illegal exactions practised at the ports of Natchez and New-Orleans, with a request that the same be submitted to the Legislature over which you preside.

“I have the honor to be,

“Sir,

“Your very humble servant,

“Christopher Greenup.

"Kentucky, ss:

"In General Assembly,

"December 26, 1806.

"Whereas it is represented to the present General Assembly, that the corporations of Natchez and New Orleans assume to themselves, and do actually claim the right to tax flat-bottomed boats and other water drafts, conveying the produce of the western country to foreign markets, and necessarily compelled to land at or on the banks of the Mississippi river, contrary to the intent and spirit of the Constitution and laws of the Union, and thereby check and damp the spirit of enterprise in our western traders and exporters, and that the congressional collectors at one of those ports, are not uniform in their charges, but impose upon the ignorant and unwary, whose distance from their friends renders it impossible for them to seek redress.

"Resolved therefore, That our Senators in Congress be instructed, and our Representatives be requested, to use their utmost exertions to procure a redress of such evils, so contrary to justice and repugnant to republicanism.

"Resolved also, That the Governor be, and he is hereby requested to transmit copies of the foregoing resolution to each of our Senators and Representatives in Congress, and to the Executors of the States of Ohio, Pennsylvania, New-York and Virginia, with a request that they will lay it before their respective legislatures."

To the Assembly transmitting a resolution of the General Assembly of Maryland concerning the importation of Slaves, and a resolution from the General Assembly of New Jersey concerning a purposed amendment to the Federal Constitution.

Gentlemen:

I SUBMIT TO THE RESPECTIVE HOUSES, copies of a resolution of the General Assembly of Maryland, relative to the prohibiting the importation of slaves into the United States, transmitted to me by his Excellency Governor Wright; and also, of a resolution of the General Assembly of the State of New Jersey, on the subject of a proposed amendment to the Constitution of the United States, relative to the judiciary power, communicated by his Excellency Governor Bloomfield.

THOMAS M'KEAN.

Lancaster, February 12, 1807.

Documents With the Message.

"Council Chamber,

"Annapolis, January 22, 1807.

"Sir:

"In obedience to the request of the General Assembly of Maryland, I transmit to your Excellency a copy of a resolution, instructing their Senators and Representatives in Congress, as soon as may be practicable, to prohibit the importation of slaves into the United States, from the coasts of Africa, the West-Indies, or elsewhere: Hoping that the Legislature of you State, will follow their humane example.

"I have the honor to be,

"With great respect,

"Your Excellency's most obedient servant,

Robert Wright.

"His Excellency,

"Governor M'Kean.

“By the General Assembly of Maryland.

“Resolved, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to take all legal and necessary measures, to use their utmost exertions, as soon as the same may be practicable, to prohibit the importation of slaves into the United States, from the coast of Africa, the West-Indies, or elsewhere.

“Resolved, That the Governor be, and he is hereby requested to transmit copies of the foregoing resolution to our Senators and Representatives in Congress; also to the Executives of all the different States in the Union, with a request that the same may be laid before their respective Legislatures for their concurrence.

“State of New Jersey,
Trenton, January 27, 1807.

“Sir:

“I have the honor of transmitting to the Executive of the State of Pennsylvania, the determination of the General Assembly of this State, on the proposed amendment to the Constitution of the United States, which is the subject of the annexed proceedings.

“I am, very respectfully,

“Your Excellency’s,

“Most obedient servant,

“Joseph Bloomfield.

“His Excellency.

“The Governor of the Commonwealth of Pennsylvania.

“In General Assembly,

“November 6, 1806.

“Mr. Van Duyn from the committee to whom were referred, the resolutions of the Legislatures of Penn-

sylvania, Kentucky and Georgia, proposing such amendments to the Constitution of the United States, as would prevent the extension of the judiciary power "to controversies between citizens of different States, to controversies between citizens of the same State, claiming lands under grants from different States, and to controversies between citizens of a State, and citizens of a foreign State," having seriously considered the objects of those resolutions, reported:

"That the Constitution having provided, that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States, that to secure this inestimable provision from evasion, it appears necessary that its construction be committed to tribunals the least likely to be biassed by local interest, or the least influenced by local attachments.

"In all controversies wherein citizens or subjects of foreign nations may be concerned, and in which a denial or perversion of justice may by the laws of nations be deemed a just cause of war, it follows as a natural consequence that the decision can only be confided with safety to those tribunals which are responsible to the people by impeachment, by their representatives in Congress, for any such denial or perversion by which the peace of the United States may be endangered.

"It is reasonable to believe, that the uniformity of decisions in the federal courts, will be far more likely to preserve tranquility in our foreign relations than the contrary and jarring opinions of State judiciaries however respectable: From such uniformity the citizens of the several States, may confidently expect the most perfect security to their property; an advantage which will amply compensate for the inconveniences which may be sustained by any particular State.

"From these considerations, and the danger to be apprehended from frequent changes of the Constitution, which in the opinion of the committee can only be jus-

tified by the most evident and urgent necessity, they deem it inexpedient to assent to the proposed amendment, and submit the following resolution.

“Resolved, That the Governor be requested to write to the Executives of each State in the Union, and inform them of the determination of the General Assembly of this State, on the subject of the proposed amendment.

“Which report was read and agreed to, by the House.”

To the Assembly vetoing a resolution for the publication of laws of a general nature in newspapers.

Gentlemen:

I HAVE CONSIDERED THE RESOLUTION, RELATIVE to the publication of laws of a general nature, in newspapers, and as it does not meet my approbation, have directed it to be returned to the Senate, in which it originated, under the following objections.

1. Because it unites the Legislative and Executive functions in the same persons. This it is conceived contravenes both the spirit and letter of the Constitution. That instrument was predicated upon the principle, that the separation of the great powers of government, legislative, executive and judicial was essential to freedom; and in its texture we find the most sedulous attention manifested to effect that object. This vital principle of republican government, I think it my duty to endeavour to preserve inviolate, though it obliges me to forego the gratification I always experience, in harmonizing in sentiment with the other branches of the Legislature,

2. Because it is believed to be inexpedient, modifications of known powers, so as to divert them from the ordinary courses in which they are exercised, into extraordinary ones, ought to propose advantages to be gained which would warrant the change. It is not perceived that the proposed Resolution contemplates defining powers supposed too indefinite, (in which if thought advisable I would cheerfully concur) but substituting the opinion of a committee upon the same subject, instead of that of the known public organ. By this unity of action would be hazarded and divisions might take place, that would prevent the early promulgation of the Laws.

THOMAS M'KEAN.

Lancaster, February 16, 1807.

To the Assembly vetoing "An act to prevent the recorder of the city of Philadelphia from practicing as an attorney or counsellor in any court of justice in this Commonwealth or elsewhere."

Gentlemen:

I HAVE CONSIDERED THE BILL, ENTITLED "An act to prevent the recorder of the city of Philadelphia, from practising as an attorney or counsellor, in any court of justice in this Commonwealth or elsewhere," but as I cannot approve it, I have returned it with the following objections to the House of Representatives, in which it originated.

1. The bill appears to be founded upon an erroneous opinion of the nature, and duties of the office of recorder. From the origin of the Office, to the present day, the recorder has been regarded as the counsellor of the corporation, by which he is appointed its organ in pronouncing judicial sentences, and its advocate in

maintaining the corporate rights and interests. It is therefore essential to the nature and duties of office, that the recorder should be entitled to appear on behalf of the corporation, in every court of justice; and experience has established the policy and convenience of selecting a recorder from lawyers most eminent in practice, as well as in legal knowledge.

2. The bill will deprive the corporation of the peculiar services, for which it compensates the recorder out of the city funds, and makes no provision to pay out of the funds of the State for the services, which he renders in the general administration of justice. For as the organ of the mayor's court (a court of criminal jurisdiction) the recorder is as much in the service of the State, as the president of a court of quarter sessions, and when he ceases to be counsellor and advocate of the corporation of Philadelphia, his official compensation should no more be charged, exclusively upon the city, than the official compensation of the president of the quarter sessions of Philadelphia county, should be exclusively charged on that county.

3. The compensation allowed by the corporation to its recorder, is evidently predicated upon his continuance, in the exercise of his profession, but by the operation of this bill, he will be deprived of that resource, and no adequate means are substituted for the maintenance of a family in an expensive city.

4. The bill will operate an *ex post facto*, and oppressively in relation to the present recorder, who accepted the office, upon the tenure of good behaviour, without contemplating a relinquishment of his profession; and who will be compelled suddenly during the actual session of the courts, either to resign the office, or to abandon his duty to his clients.

5. The bill might be perverted into a precedent fatal to the executive power of appointment, and to the employment of the fittest men for the service of the Com-

monwealth. For it is of little importance, whether a law declares directly, that the Governor shall cease to appoint to office, or so modifies the duties of the office, or fetters the conduct of the officer, that as often as he appoints the officer shall be compelled to resign. And with equal regard to the public welfare, and my own reputation permit me to add, that I am confident it will be impracticable on the terms of this bill, to prevail on a competent character, to hold or to accept the commission of recorder.

6. For more than one hundred years this practice has been permitted and approved by the Legislature of Pennsylvania, and found beneficial.

7. The passage of this bill would be legislating upon the public interests of the city of Philadelphia, in an important particular, without any request from its councils or people for that purpose, and without any known public inconvenience to warrant it.

THOMAS M'KEAN.

Lancaster, March 25, 1807.

To the Assembly vetoing the "Resolution denying the jurisdiction of the United States Courts, touching suits brought, or that may be brought under the Act of Assembly passed the third of April, 1792, directing the sale of vacant lands, lying north and west of the rivers Ohio and Allegheny and Conewango creek."

Gentlemen:

THE RESOLUTION DENYING THE JURISDICTION of the United States courts, touching suits brought, or that may be brought under the act of Assembly, passed the third of April, one thousand seven hundred and ninety-two, direct-

ing the sale of vacant lands, lying north and west of the rivers Ohio and Allegheny, and Conewango creek," has been presented for my consideration. I have deliberately considered it, with every possible deference to the Legislative opinion; and not without some sentiment of good will towards the petitioners, on whose prayer the resolution is founded. But I conceive, that the approbation of the resolution would involve the affirmance of such principles, and might contribute to the production of such consequences, that I am induced to return it with the following objections:

1. That the theory of our State government divides the attributes of legislative, executive and judicial authority into distinct departments; and if in the practical operations of the governments, those attributes should be united in any one of the departments, the rights and liberties of the people will no longer be safe.

2. That the attributes of national authority, being vested in the federal government, are upon the theory of that government, also devolved upon the distinct departments, legislative, executive and judicial, and if in the practical operations of the federal government, any individual State, or a department of the government, should supercede, or controul the powers of the federal government, or any of its departments, the Union can no longer exist but as a name.

3. That the subject of the present resolution is in its nature judicial, and cannot be affected by legislative exposition.

4. That the subject of the present resolution is cognizable in the federal courts, whether we consider the merits of the controversy, or the question of jurisdiction; and that no State authority, legislative, executive or judicial, can consistently with the express terms of the second section of the sixth article of the federal Constitution annul, supersede or impair a judgment, rendered in a suit depending in a federal court.

5. That the highest tribunal of the nation, (the su-

preme court of the United States) having adjudged with a full knowledge of all the matter, contained in the recital of the present resolution, that the merits of the controversy, as well as the interests, involved in the suits under the act of the third of April, one thousand seven hundred and ninety-two, so far as they have hitherto been litigated in federal courts, are of federal jurisdiction, a just sense of law and order, would seem to prescribe an acquiescence in that judgment, without impairing the general right of opinion; without affecting the right of the State, to dispose of her lands, and without interfering, with the enforcement of her contracts through the medium of her own courts.

6. That the declaration of a legislative opinion, on the part of the State, extending to all causes under the act of April, one thousand seven hundred and ninety-two, in direct opposition, to a judicial decision on the part of the United States, is in itself so extraordinary either as an instrument of advice or intimidation; and in its consequences must either be so abortive, or so injurious, that I deem it a duty, not only to my own reputation, but to my country's peace and happiness to afford the opportunity of these objections for solemn re-consideration.

THOMAS M'KEAN.

Lancaster, March 31, 1807.

To the Assembly vetoing "An act to extend the right of peremptory challenge to cases not hitherto provided for."

Gentlemen:

I HAVE, CONSIDERED THE BILL, ENTITLED
"An act to extend the right of peremptory challenge to cases not hitherto provided for," and, as I do not approve it, have directed it to be returned to

the Senate, in which it originated, with the following objections:

1. Because, a distinction was early taken between capital and other offenders: With respect to the former, the community were principally interested, in the latter the injured individual. On a conviction for a capital crime the prisoner forfeited life and estate; the humanity of the laws therefore indulged the accused in challenging twenty of his jurors peremptorily, but, in case of misdemeanors, it has been the wisdom of ages to be impartial between the accuser and the accused.

2. Because, this bill makes a great innovation in the administration of justice, and therefore, as an experiment, ought to have been limited in its duration, but it is perpetual.

3. Because, it would necessarily tend to multiply jurymen, to their private injury, and to the prejudice of the public œconomy, to the increase of the public expence, and to the great delay of the administration of justice.

4. Because, it would have an ex post facto effect and would operate on indictments now depending in the courts. The privilege, in the case of misdemeanors, to be just, ought to be reciprocal. It does not accord with my ideas of justice, that the assassin of public character, or private reputation, should have rights conferred on him, which are withheld from the injured and innocent victim, of his malice and revenge. Such a law would seem to me to be at war with that salutary and virtuous provision by which the people of Pennsylvania has wisely placed the good name and fame of all her citizens, under the safeguard of the Constitution. I deprecate the idea of mingling party passions or prejudices with the administration of justice.

THOMAS M'KEAN.

Lancaster, April 4, 1807.

Proclamation Announcing the Reduction of Certain Penalties for the Infringement of the Act concerning the Philadelphia and Lancaster Turnpike.

Pennsylvania, ss:

[Signed.] Tho. M'Kean.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania.

THOMAS M'KEAN, Governor of the said Commonwealth, To all to whom these presents shall come, Sends Greeting.

A PROCLAMATION.

Whereas during the last session of the General Assembly of this Commonwealth an Act was passed in the following words, to wit: "An Act to render perpetual a certain Act respecting the Philadelphia and Lancaster Turnpike road."

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same, That the Act, entitled "A further supplement to the Act, entitled 'An Act for making an Artificial Road from the City of Philadelphia to the borough of Lancaster for the more effectual preventing evasions of the salutary regulations intended in and by the Act for making an Artificial Road from the City of Philadelphia to the Borough of Lancaster,' passed on the fourth day of April, in the year of our Lord one thousand seven hundred and ninety-eight, be and the same hereby is, except so much thereof as limits its continuance to the term of two years, rendered perpetual.

Section II. And be it further enacted by the authority aforesaid, that instead of the power and authority given and allowed to the President, Managers and Company

of the Philadelphia and Lancaster Turnpike Road in and by the thirteenth section of the Act, entitled "An Act to enable the Governor of this Commonwealth to incorporate a company for making an artificial road from the City of Philadelphia to the Borough of Lancaster," to seize and take by any of their officers and servants one of the horses attached to any Waggon or other carriage, which shall be drawn along the said road, contrary to the provisions and intentions of the said section, any person or persons offending against the said section or transgressing against the provisions and restrictions therein imposed, shall forfeit and pay to the President, Managers and Company aforesaid, for every offence, the sum of ten dollars to be recovered as other penalties are directed to be recovered in the said recited Act, or by distress and sale according to law, in case of neglect or refusal forthwith to pay the said penalty, and the power and authority to take and seize a Horse, as is provided and directed in and by the said thirteenth section, is hereby annulled and made void: Provided nevertheless that no part of this Act shall have any force or effect, until the said President, Managers and company shall in writing under their Corporate seal, to be deposited in the Office of the Secretary of this Commonwealth, declare their consent and agreement hereto; and as soon as the said Company shall so consent and agree, the Governor shall declare this Act to have full operation and effect.

Simon Snyder,
Speaker of the House of Representatives.

P. C. Lane,
Speaker of the Senate.

Approved the Seventh day of April, in the year of our Lord one thousand eight hundred and seven.

Thomas M'Kean.

And Whereas the President, Managers and Company of the Philadelphia and Lancaster Turnpike Road, have

fully complied with the proviso contained in the second section of the aforesaid Act of the General Assembly

Now therefore know ye, that in pursuance of the directions to me given by the said Act of the General Assembly, I the said Thomas McKean, Governor of the said Commonwealth, do by these presents declare and make known that from and after the date hereof, the said Act of the General Assembly and every part thereof is to have full operation and effect.

Given under my hand and the Great Seal of the State at Lancaster this tenth day of July in the year of our Lord one thousand eight hundred and seven, and of the Commonwealth the thirty-second.

By the Governor,

T. M. Thompson, Sec'y.

Proclamation of Reward for the Apprehension of the Murderer of James Hamilton.

Pennsylvania, ss:

[Signed] Tho. M'Kean.



IN THE NAME AND BY THE authority of the Commonwealth of Pennsylvania. By THOMAS M'KEAN, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have been informed by the deposition of a respectable citizen, taken before one of the Justices of the Peace, for the county of Allegheny: That, on Wednesday, about one o'clock in the afternoon of the twenty-third day of September, now last past, William B. Irish, Deputy Marshall in the district of Pennsylv-

nia, accompanied by George Holdship, Esquire, Emon Williams and James Hamilton, proceeding to the house and Plantation occupied by a certain William Faulk, in Beaver county, in the State aforesaid to execute a writ of Habere facias possessionem, issued by the circuit court of the United States of America, in the case of Robert Baune against the said William Faulk, were fired upon by persons concealed in a thicket of bush on the roadside, while entering a lane leading to the house of the said William Faulk—that three or four guns were discharged, and directly after the aforesaid James Hamilton called out “Sheriff, I am gone,” and instantly fell from his horse and in a minute or two expired; When the said Deputy Marshal, with his two surviving companions, rode off with all speed to Greensburgh. I have also been informed, that the afs. William Faulk, had repeatedly threatened to kill any person that should come to dispossess him.

Now Be it known, that I do hereby require and enjoin all Judges, Justices, Magistrates and other Officers within this State, to be active in discovering, pursuing and arresting or causing to be arrested the persons who have been guilty of the aforesaid atrocious murder; And I do hereby offer a reward of Five hundred dollars to any person or persons who shall apprehend, secure and bring to conviction the person who murdered the aforesaid James Hamilton, and Two hundred and fifty dollars for every of the Accessories before and after the fact; And also a free and full pardon to the person, who shall first communicate the name of the person who committed the same cruel and horrid crime, so that he be brought to trial. I do further earnestly request all persons whomsoever, to be aiding and assisting in pursuing and bringing to Justice the afs. cruel and wicked Assassins.

Given under my hand and the Great Seal of the State, at Lancaster, the third day of October in the

year of our Lord one thousand eight hundred and seven, and of the Commonwealth the thirty second.

By the Governor.

James Trimble, Deputy Sec'y.

To the Assembly vetoing the resolution "That from and after the next term of the Supreme Court, it shall not be lawful for any counsellor, attorney, or any other person, to read, within any court of this Commonwealth, any precedent or case of law decided in any court, except such as have taken, or may take place, in some court of the United States."

Gentlemen:

AT THE LAST SESSION OF THE LEGISLATURE, the following resolution was passed: "That, from and after the next term of the supreme court, it shall not be lawful for any counsellor, attorney, or other person, to read, within any court of this Commonwealth, any precedent, or case of law decided in any court, except such as have taken, or may take place, in some court of the United States."

This important resolution was presented, by a committee, for my approbation, at a late period of the session; while I was under the pressure of other public business, and severely afflicted with a personal malady. It was, therefore, impossible to bestow, at that time, a proper attention upon the subject; so as to acquit myself, equally, of the respect which I owe to legislative propositions; and of the fidelity, with which I have always been anxious to perform the duties of the executive office.

A difference of opinion, both in public and in private life, is natural to mankind; and an honest difference of opinion, ought never to produce passion, pre-

judice, or reproach. Whenever it has been my misfortune to differ from the opinion of the Senate and the House of Representatives, of Pennsylvania, I have not ventured to arraign the purity of their motives; although I may, sometimes, have been tempted, on account of that difference, to question the correctness of my own judgment. Upon every occasion, however, and particularly upon the present, I have hoped for a reciprocity of indulgence and candor. And when I exercise a constitutional right to declare, that I cannot approve the resolution, be assured, gentlemen, that I seek not to pronounce a sentence of condemnation upon others; but merely to assign reasons in vindication of myself. To you, to our constituents, and to posterity, the reasons of dissent are, therefore, submitted; not in a vain spirit of contradiction and controversy; but, as the dictates of conscience, after a long life devoted to the science of government and law. Considering the resolution, in its form, and in its operation, it appears to my mind, to be liable to many powerful objections.

1. Because the prohibition excludes the judge, and the jury, as well as the counsellor, and the attorney, from resorting, in court, to the accustomed sources of legal information.

Every decision of a court of justice, ought to be made according to the law of the land; whether it is pronounced upon the opinion of the judges, or by the verdict of a jury. In criminal, as well as in civil cases, it is the duty of the judges to state to the jury, what is the law of the land, upon the points in issue. In civil cases, the jury often assume the responsibility of deciding; and, in criminal cases, it is always their province, both the law and the fact. The ablest judge, however, (from the fallibility of human understanding, or the imperfections of memory) may misconceive a point of law, suddenly suggested on the trial of a

cause: And the most intelligent jury will not, in any case, pretend, intuitively, to perceive and to pronounce what is the law of the land.

But, instead of multiplying the means (as it would seem reasonable to do) for assisting the memory of a judge, or informing the conscience of a jury, upon occasions the most interesting to the fame, the fortune, or the life of a citizen; the resolution forbids any advocate, or other person, to read, within our courts, a precedent, however venerable, or an adjudication, however apposite, unless it has taken place in some court within the United States. It is true, that our advocates are not expressly forbidden to narrate the precedents and adjudications of foreign authors and tribunals; though they are forbidden to read them. But, when we reflect upon the conflict of duties and opinions, the diversity of dispositions and talents, which every important cause is calculated to display, at the bar; the substitution of a recital, for the perusal of a legal authority, will be found to furnish a much less advantageous medium of information to the judge, and to the jury, while it must obviously, be productive of more partiality, uncertainty, and delay, in the administration of justice.

2. Because the exception, from the general prohibition, by which precedents and adjudications, that have taken place, in any court within the United States, are permitted to be read in the courts of Pennsylvania, is arbitrary and illusive.

If the precedents and decisions of the courts of the individual States, and the United States, were founded upon the same code of laws; if they embraced all the cases, that would arise under that code; and if they were regularly noted and reported; we might, perhaps, safely be content with the resources of domestic wisdom, and proudly shut our eyes against the light of foreign science. If however, no such uniformity exists

in the systems of American jurisprudence; no such scope of judicial investigation; and no such publicity of decision; an arbitrary determination to reject all practical benefit, from the learning and experience of other nations, would probably, be deemed, by the civilized world, more remarkable for its prejudice, than for its policy.

It is then an obvious truth, that the members of the Union differ from each other, in the theory and details of their judicial institutions; and the limited jurisdiction of the federal courts, operating principally, and only occasionally, upon national subjects, can furnish little, by way of authority, or of information, to the municipal tribunals of the individual states. The laws of property, inheritance, and dower; of process and practice, in civil suits; and of crimes and punishments; are essentially dissimilar: And thus the permission to read, in our courts, the precedents and adjudications of other courts, within the United States, is, in effect, the grant of a barren right, which there is no temptation to enjoy, and, rarely, an opportunity to exercise.

But why, it may be fairly asked, confine our means of improvement, our sources of information, in matters of jurisprudence, to the local boundaries of the United States; while the professors of every other science, and the masters of every art, may gather the fruits of human genius and knowledge, throughout the world, to enrich their studies, and to invigorate their judgments? The physician, in the crisis of his patient's fate, may resort to foreign aid, in order to overcome what is difficult, or to explain what is doubtful. The minister of the gospel can select from every school, of every country, a commentary upon his holy text. And the astronomer, navigator, merchant, farmer, and mechanic, are equally uncontrolled, in the use of all that they can obtain, whether at home or abroad, to

enlighten their minds, to augment their skill, and to facilitate the performance of their duties.

Shall then the knowledge, necessary to the administration of justice, be permitted to enter our tribunals only in one direction, and at a single avenue? And, if there are not any American precedents or adjudications to read (say even on the trial of a capital cause) shall the advocate be without an argument for his client; the judge without a guide for his opinion; and the jury, without instruction for their verdict; because, by legislative decree, no other precedents or adjudications (however direct and cogent) can be read in the courts of Pennsylvania!

I pray you, gentlemen, to estimate, with your usual good sense, and candor, the consequences of such an interdiction; and, I think, you will perceive, not only the general mischief of the prohibition, but the particular illusion of the exception to its operation. For, after all, it is proposed to accept a copy, though we refuse the original; and to read, for authority, or illustration, the precedents and adjudications of American courts, founded, as is commonly the case, upon those very books, which we are forbidden to read, to understand, and to apply for ourselves.

3. Because the resolution would, in many cases, deprive us of the best, and in many cases, of the only, evidence of the law of the land.

The law of Pennsylvania consists of various branches. By our federal compact, the constitution, laws and treaties of the United States are supreme. The constitution and laws of the State, form the next branch, in dignity and obligation. And, under the authority of our constitution and laws, it is expressly declared, in an act of the year 1777 (passed with great legislative wisdom, amidst all the passions of the revolutionary conflict) "That the common law, and such of the statute laws of England, as were in force in the

Province, shall be in force and binding on the inhabitants of this State;" subject only to exceptions, which were proper, to render the adoption consistent with the recent independence, and the republican structure, of our government.

But, to these principal branches of the law of Pennsylvania, there are incidents inseparably attached; which, in the exercise of the judicial power, extend over an almost boundless field of jurisprudence. To adjust some controversies, the law of nations in peace or in war, must apply the rule.

On the business which occupies the Orphans' and the Registers' courts, we are principally, guided by the civil law; by that law, which every nation in Europe has borrowed, in a greater or in a less degree, from the institutes of the ancient Roman empire; without a symptom of fear, as for an act dangerous to their independence; or a sense of shame, as for an act derogatory to their wisdom.

The law of merchants pervading the whole commercial world, is the standard of decision, upon questions of navigation, trade, insurance, and other innumerable grounds of litigation, produced by the spirit of mercantile enterprize. And the construction and operation of any foreign contract, that may become the foundation of a suit, in our courts, must be conformable (not to the municipal law of Pennsylvania, but) to the law of the country, in which the contract was made.

Upon this summary of the law of Pennsylvania, let it be admitted, that, for the commentary as well as for the text of our constitution and laws, American precedents and adjudications afford the best evidence; must it not, on the principle of that admission, be equally clear, that the precedents and adjudications of England are the best evidence of that portion of the common and statute law of England, which by

words of general reference, and not in terms of specific re-enactment, has been incorporated into the law of Pennsylvania?

Yes, it would be absurd to say, that, when we adopted a foreign law, the legitimate evidence of that law was not virtually and necessarily adopted. Hence, from the epoch of the revolution to the present time, the precedents and adjudications of the English common and statute law, so far as they were in force in Pennsylvania, on the 14th day of March, 1776, have been read, as authority, in our courts: But English precedents and adjudications subsequent to that day, although often read by way of information, or to support an argument from analogy, have never been obligatory upon our judges, any more than the precedents and adjudications of France, Spain, or Holland.

The best evidence of the adopted law, lying thus plainly before us, in the venerable work of its sages, or in the authoritative judgments of its ministers; why should we be compelled to use only the secondary evidences of American precedents and adjudications, where any such exist? And, where none such exist, why should we be debarred from the use of the only certain and satisfactory evidence of a law, which the Legislature has declared to be in force, and binding, upon all the inhabitants of the state?

But let us even surrender to prejudice, or to pride, the advantage of consulting the English authorities, upon points of law, which are as much the law of Pennsylvania, as of England; there remains, for serious consideration, the expediency of excluding from our courts, every foreign precedent and adjudication, upon the law of nations, the civil law, the law of merchants, and, as to foreign contracts, the municipal laws of foreign countries. Can it be denied, in the existing state of a youthful, though a great, a wise, and a virtuous nation, that, independent of foreign precedents

and adjudications, we must be, in these respects, more like a ship upon the ocean, without a rudder or a compass? For, in these respects, who are the authors, which are the courts, within the United States, to whose precedents and adjudications we can, exclusively, appeal for instruction and authority?

A foreign code is here, in truth, the only evidence of the law. And the resolution that forbids an advocate, a judge, and jury to resort, in court, to that code, forbids them, in effect, to learn and to understand the general rule, which is their duty to apply, at the very moment when its application is required.

THOMAS M'KEAN.

Lancaster, December 3, 1807.

To the Assembly vetoing "An act to alter and amend the act entitled 'An act to provide for the settlement of public accounts.'"

Gentlemen:

TOWARDS THE CLOSE OF THE LAST SESSION of the Legislature, a bill was presented for my consideration, entitled "An act to alter and amend the act, entitled, 'An act to provide for the settlement of public accounts;'" which I have directed to be returned to the House of Representatives, with the following reasons of objection and dissent:

1. The office of the Treasurer is, in its nature and in its uses, merely ministerial: But the bill proposes to render it an office of pre-eminent authority and jurisdiction; in a way that neither public policy, nor private justice, appears to warrant. For instance, the existing laws give to the Comptroller and Register the power to settle the public accounts in the first instance: If they disagree, the Governor's concurrence with one of

them, is necessary to the settlement; and, from any settlement of the department of accounts, an appeal lies to the supreme court; where the party may enjoy the benefit of a trial by jury. But the present bill supersedes the authority of the Governor, and renders the decision of the Treasurer, alone, absolute and conclusive, upon every difference of opinion between the Comptroller and Register.

Again. After an account has been settled by the Comptroller and Register, and a warrant has actually been drawn by the Governor, in discharge of the amount found due to the accountant; the present bill vests an arbitrary power in the Treasurer, with or without reason, to suspend the payment of the debt: And, from the exercise of his mere will and pleasure, there can be no appeal, for an injured citizen, to a court of justice; no application for redress to the general superintending authority of the executive magistrate.

Again. The power to settle an account, and the power to pay, or to suspend the payment of the balance appearing due, when a warrant has been issued, are powers which it would seem improper to unite in the same office, since they can easily be converted into instruments of oppression; or may imperceptibly, become temptations to favoritism and corruption.

2. But this investment of an individual officer with the power, not only to suspend the payment of the public debts, but the payment of the official compensations of every member of the executive and judicial departments, is calculated to impair the public confidence in the operations of government, to undermine the foundations of public credit, and to create, for the Treasurer, an undue and dangerous influence, at the expence of the highest grades of public officers.

3. The constitution gives to the Legislature, the appointment of the State Treasurer; but, obviously, considers the Treasurer merely as a ministerial officer,

exclusively employed in receiving and paying public money. To confer upon the Treasurer, powers, which are not naturally incident to such an office, is, in effect, to create a new office, and operates as an encroachment upon the general constitutional authority of the executive magistrate, to appoint all the officers of the Commonwealth.

4. The bill proposes to abolish the right of appeal to the supreme court; and to substitute, for the trial by jury an investigation, in the last resort, by a joint committee of five members, appointed by the two Houses of the General Assembly. In this operation, we perceive a direct, unqualified union of legislative and judicial powers, inconsistent with the express provisions, and obvious spirit of the constitution. We perceive, also, a direct, unqualified subversion of the trial by jury; while the legislative tribunal, contemplated as a substitute, to decide upon matters in controversy between the state and individuals, must, in truth, be considered as acting, at once, in the double character of judge, and of party.

Similar trespasses have, indeed, been heretofore made upon the constitution; but the council of censors solemnly condemned them: and the Legislature, in various acts, corrected the errors that had been introduced.

THOMAS M'KEAN.

Lancaster, December 3, 1807.

Opening Address to the Assembly—1807.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

Amidst all our solitudes for the peace of the Union, we cannot contemplate the increasing prosperity of

Pennsylvania, without yielding to emotions of pleasure, and of gratitude. In discharging the annual duty of presenting to the Legislature a statement of our public affairs, I have never, indeed, seen greater cause for felicitation, than at the present crisis; when the patriotism, energy, and opulence, of the individual States, have become peculiarly important to the maintenance of the national honor and independence. Our cities, towns, villages, and farms, bespeak, in every direction, the wealth and happiness of an industrious, a moral, and an intelligent people. The institutions for disseminating useful knowledge; for affording aid and comfort to the poor, and the afflicted in body or in mind; and for executing the laws to punish or to reform, offenders; give assurance of a benevolent, and an efficient policy. And under the promised auspices of the Legislature, the zeal and spirit of private citizens, which have already done much for public improvement, cannot fail to establish, upon an extensive and permanent foundation, the means of internal intercourse, and commerce, by roads, rivers, and canals.

The extraordinary events, which have induced the President of the United States to convene Congress, (events, which have justly excited the indignation of every American) led also to an immediate requisition of fifteen thousand six hundred and thirty-five men, as our quota of a body of one hundred thousand militia, or volunteers, deemed necessary for the public service. The issue of the measures pursued by the federal government, to vindicate our national rights without an appeal to arms has not been ascertained; but your attention cannot be too soon, or too assiduously bestowed upon the military state of the Commonwealth. I have, therefore, directed the Adjutant-general to prepare, for your information, an ample report of the number, organization and equipment of our militia, and a particular report relative to the detachment which has

been ordered for service. From those documents you must perceive, that the number, as well as the spirit of our militia, will justify the confidence of the government, and of the country; but it must be acknowledged (so many and so great are the defects of the law) that I have been principally indebted for the progress made in executing the President's requisition, to the spontaneous exertions of the enrolled militia, and the patriotic ardor of volunteers. The system requires, therefore, a radical reform. Not only in the formation of corps; the periods and modes of training; and the establishment of arsenals and magazines; but the obligation of service, or the privilege of exemption; the right to elect, or be elected for any grade of office; and the power to appoint, or to remove officers in the higher and more responsible grades; are subjects, which experience emphatically suggests for revision and amendment. Every republican must anxiously wish, indeed, to render the militia both in theory and practice, the sword and the shield of the nation. This great object, however, can never be accomplished, unless the use of arms is taught to our youth, at the public expense, as a branch of early education; unless an adequate portion of the public treasure is appropriated to military instructions and supplies; and unless the public spirit of individuals shall be supported by a correct principal of organization, an efficient rule of discipline, which legislative authority can alone sanction and prescribe.

It will not long, gentlemen, be a duty on my part, to direct your attention to the defective state of the administration of justice in Pennsylvania; though as long as life remains I shall reflect with pleasure, upon the repeated efforts that have been made to obtain some alteration and amendment. I pray you, therefore, with great deference to your legislative character, and with a grateful attachment to the welfare of our constituents, to take the subject once more into con-

sideration. The defects are exhibited on your records; they are known to every judge; they are felt by every suitor; and they can only be remedied by you. It is surely, then, enough for one to say, at this late period, that justice is delayed, because there are not a competent number of judges to administer it; that justice is unequally, and imperfectly, administered in civil cases, because juries are empannelled by chance; and that an error in the administration of justice is irremediable, upon important questions, because from an original decision of the supreme court, there is now no appeal.

On former occasions it has been intimated that some precaution would be necessary to check and subdue a lawless spirit of intrusion, which appeared along the northern and western borders of the state; but recent occurrences will, more forcibly, impress the danger of this evil upon your minds. A person, assisting the deputy-marshal of the district, in the execution of legal process which issued from the circuit court of the United States for the eviction of an intruder, has been murdered in the county of Beaver. The fact being proved, I did not hesitate, as well upon a sense of federal obligation, as with a view to the general purposes of justice, to proclaim the offer of a reward, for discovering and arresting the offender. But as it has been represented that combinations are formed, in that quarter, to oppose by violence the authority and operation of the law, under the judgements of the federal courts; all the principles of good faith and sound policy evidently require the co-operation of the state, with the federal government, to condemn and punish, a proceeding, so unwarrantable, so daring, and so destructive. Experience has taught us, too, that such attempts, to be resisted effectually, must be resisted promptly; and, I am confident, that the legislature of Pennsylvania

will neither be wanting in the vigilance, nor in the energy, which the occasion requires.

The records of the General Assembly will exhibit many other subjects, worthy of a share in your deliberations; and, I particularly recommend a general encouragement of schools, and the liberal patronage of public works; especially of such as are connected with the internal trade, and a free communication of the citizens, throughout the state. The health-office, under the judicious management of the present board, has been greatly instrumental in preserving to our city, and its environs, the blessing of health; but the present freedom from a calamity, that has so much afflicted us in former years, ought not to render us inattentive to any improvement which may be suggested, either for the accommodation of commerce, or for multiplying the beneficial precautions against foreign and domestic disease. A provision is wanting for the more speedy, and more extensive publication, of the laws; which cannot be obeyed, and ought not to be obligatory, until an opportunity has been given to know, that they exist. And, upon motives of public economy, as well as public convenience, permit me to renew the expression of a wish, that such general regulations may be adopted, relative to election districts, to fisheries, water courses, and mill-dams, and in short, to all partial, or private business; as shall be thought the best calculated to save much of the legislative time, and much of the public money, which have been devoted, during every past session, to those, comparatively, inferior objects.

The various duties devolved on the Executive Magistrate, by the acts of the last session, have been performed. It has given me pleasure to subscribe and pay for two hundred and fifty shares of the stock of the bank of Philadelphia, on account of the state, at

par: though the ordinary market price was so advanced, that the difference gained upon the negotiation, by the public, amounts to six thousand eight hundred and seventy-five dollars.

Gentlemen of the House of Representatives:

The permanent revenue of the Commonwealth will be adequate (as I am informed by the accounting officers, whose statements will be laid before you) to defray the permanent expenses of the government. But, for an enlightened and opulent state, there are objects of expenditure not less interesting than the maintenance of government in its public forms and official routine. Some of these have already been suggested; but others will naturally present themselves to your consideration. And, be assured, that, on every point of policy, as in relation to the militia; or of improvements, as in relation to highways and canals, the approbation and applause of our constituents await the most liberal operations of your patriotism and public spirit. It will not be improper here to remind you, that the time must soon arrive, when a successor to the Executive Office is to be chosen: and, as the Governor's compensation cannot be increased, nor diminished, during the period for which he shall be elected, I trust you will deem it just to augment the salary of that Magistrate, to such an amount as will be at least an equivalent for the depreciation produced, since the present salary was assigned, by the influx of the precious metals, the institution of banks, and other obvious causes.

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

The happiness of our country, and the mild, but efficient operation of our laws, are the best proofs of the advantages derived from the revolution; and

the competency of a popular government to administer and maintain itself. We have felt troubles from within; and we are menaced with troubles from without: but the favor of Divine Providence seems, on every emergency, to rescue us from every cause of sorrow, or of fear. Look back for the space of thirty years, and consider what trials we have passed; what triumphs we have achieved; and what examples we have given! A national character thus acquired, well deserves all our care to preserve. Every citizen in his station, whether there shall be inevitable war, or honorable peace, can contribute to this effect; but with those of public trust, its preservation becomes a peculiar duty; and, in the execution of that duty, for you, and for myself, I will venture to promise a zealous and faithful co-operation.

THOMAS M'KEAN.

Lancaster, December 3, 1807.

To the Assembly transmitting a resolution of the General Assembly of Vermont on a proposed amendment to the Federal Constitution.

Gentlemen:

A GREEABLY TO A REQUEST OF HIS EXCEL-
lency Israel Smith, esquire, Governor of the state of Vermont, I submit to the respective Houses, copies of a resolution of the General Assembly of that state, on the subject of a proposed Amendment to the Constitution of the United States, relative to the tenure of the office of the Judges of the Courts of the United States; together with a copy of the Governor's letter.

THOMAS M'KEAN,

Lancaster, January 7, 1808.

"State of Vermont.

"In General Assembly, November 4, 1807.

"Whereas there is no provision made in the Constitution of the United States, for the removal from office of any of the Judges of the Courts of the United States, who are rendered incapable of discharging their official functions, for any other cause than such as may subject them to be removed upon impeachment.

"And Whereas, it appears to this Legislature, that, unless some alteration shall take place, cases may occur, operating the suspension of public justice, and the sacrifice of the public good; evils, which, in our opinion, may be remedied in a manner equally securing all proper independence to the judge, and the distribution of justice to the citizen.

"Resolved, therefore, That the Senators in Congress, from this State, be, and they are hereby instructed; and our Representatives in Congress are also requested to use their best endeavors to procure such an Amendment to the Constitution of the United States, as will empower the President of the United States, to remove from office any of the judges of the courts of the United States, upon address to him made, for that purpose, by a majority of the House of Representatives, and two-thirds of the Senate of Congress assembled.

"Resolved, also, That the Governor be, and he hereby is requested to forward the foregoing resolution to each of the Senators and Representatives, from this state, in the Congress of the United States; also, to the Executive of each state in the Union, that the same may be laid before their several Legislatures, for their co-operation in procuring said amendment."

To the General Assembly stating that the Governor has not received a certain report.

Gentlemen:

IN ANSWER TO YOUR WRITTEN REQUEST OF the seventh instant, presented to me this morning, I am to inform you, That I have received no report "respecting the proceedings of the commissioners appointed under 'An act for offering compensation to the Pennsylvania claimants of certain lands within the Seventeen Townships, in the county of Luzerne, and for other purposes therein mentioned;'" which has not been heretofore communicated.

THOMAS M'KEAN.

Lancaster, January 11, 1808."

To the Assembly transmitting a certain report and concerning a resolution of the Assembly.

Gentlemen:

YOUR RESOLUTION OF THE NINETEENTH INSTANT, was presented to me this day; since which I have received from the commissioners employed in settling the business of the Seventeen Townships of Luzerne county, a report on that subject; which the Secretary will herewith lay before you, and which I request may be returned.

I have directed a copy of your resolution to be transmitted to the commissioners at Wilkesbarre, together with a request, that answers may be promptly returned to the various questions it proposes.

THOMAS M'KEAN.

Lancaster, January 22, 1808.

Papers accompanying the Message.

"Wilkesbarre, Luzerne County, Jan. 18, 1808.

"Sir:

ENCLOSED IS OUR REPORT, WHICH WOULD not have been made before our present sitting closed, but from an apprehension, that many of the Legislatures are under impressions not the most correct of what we are doing. It was our intention, when we had finished the business before us, to have detailed it in a report more at large than we now are able to do. But, for the above reason, we considered it as a duty to forward such an one as we have enclosed.

"We are your Excellency's most obedient

"And humble servants,

"John M. Taylor,

"Rosewell Welles,

"Alexander Scott.

"To his Excellency Thomas M'Kean, esquire, Governor of the Commonwealth of Pennsylvania:

"The undersigned commissioners, under the act of the fourth of April, one thousand seven hundred and ninety-nine, entitled, 'An act for offering compensation to the Pennsylvania claimants of certain lands within the Seventeen Townships in the county of Luzerne, and for other purposes therein mentioned,' and the several supplements thereto, beg leave to report; That, in virtue of their several commissions they repaired to this county, and commenced the duties of office, which had been assigned them. Their first object was to ascertain, as near as they could, what the quantity of land was within the Fifteen Townships, which might possibly fall under their notice. In pursuing this inquiry from the papers and documents, as far as they were put into their hands, together with such other information as they could obtain, it appeared that the whole of the land not certified to the Connecticut claimants in the Fifteen Townships by their predecessors, did not exceed fifty thousand acres,

“For some part of this land, they were informed, applications had been made out by the settlers and transmitted to the Land-Office, with a view of laying their several claims before the late commissioners; but, by some means the applications failing to reach the Land-Office in due time, or miscarrying altogether, copies thereof were never returned so that they could be acted upon.

“For another part of it, applications were duly forwarded, but the settlers not being able to prove the occupancy upon their respective rights or lots prior to the Decree of Trenton, the former board could not recognize their claims.

“For another part of this land, no applications by the settlers were ever made; but this was owing to the influence of several persons in the county, who were at that time hostile to the provisions of the act, as well as every other principle of compromise.

“The land out of the aforesaid quantity, for which titles have been submitted to the present board by the settlers, is something less than thirty-five thousand acres. Whether to all this titles will be made out, remains to be known. It is hardly probable that titles will be made good for all the land so claimed. Many claims of the settlers, if good once, are difficult to establish now. In the year one thousand seven hundred and seventy-eight, when the enemy attacked this part of the state, the public records fell into their hands; and, when regained, they were in such a condition as to furnish little or no evidence of title to many individuals whose claims have been submitted. Hence, recourse has been had, from necessity, to oral testimony; which has very much protracted the inquiries of the board in the examination of the claims. Much public good, in the apprehension of the board, has resulted from the doings of the former commissioners. It is very obvious, that, as the settlers in the Fifteen Townships have been quieted in their claims, those

living out, have had less confidence in their claims of pretended title, and sought that claim which has been derived from the state. Impressed with this truth, the present board deemed it a duty to give the most ample opportunity to every Connecticut settler in said townships, to make out his title if he could. Very much of the land to which claims are submitted, has been released by the claimants under the state, and who either have or will receive the money for it as valued. To let the settlers have this land, if to it they could establish titles as the law directs, as also that to which perhaps there existed no particular claim under the Commonwealth, was deemed to be a measure of policy, as well as that of duty. In all their deliberations the board have endeavored to keep steadily in view, the act and the several supplements under which they have been appointed. No claims but for lands within the said Fifteen Townships, have been entered upon their books; nor any claims allowed, but those which had been acquired by settlers before the Decree of Trenton.

"The board are now deciding on the claims of individuals as received. A number of the settlers, in virtue of their submission sent to the Land-Office, have applied to be heard; but the board having received no copies of their submissions, could not, in their apprehension, take cognizance of their claims, though from documents in possession, of a general nature, some of them seemed to be well founded. What of business therefore is before us, we hope to be through with in two weeks from this date.

"All which is humbly submitted by

"Your Excellency's most obedient

"And very humble servants,

"John Taylor,

"Rosewell Welles,

"Alexander Scott.

"Wilkesbarre, January 18, 1803."

To the Assembly transmitting a resolution of the General Assembly of Delaware concerning a proposed amendment to the Federal Constitution.

Gentlemen:

A GREEABLY TO A REQUEST OF HIS EXCEL-
lency George Truitt, esquire, Governor of the
State of Delaware, I submit to the respective
Houses, copies of a resolution of the General Assem-
bly of that state, on the subject of a proposed amend-
ment to the Constitution of the United States, rela-
tive to the tenure of the office of the Judges of the
Courts of the United States, together with a copy of
the Governor's letter.

THOMAS M'KEAN.

Lancaster, February 20, 1808.

Documents Accompanying the Message.

"Dover, February 15, 1808.

"Sir:

"I have the honor to transmit you herewith, a reso-
lution of the General Assembly of the State of Dela-
ware, disapproving the amendment proposed by the
General Assembly of the State of Vermont to the Con-
stitution of the United States, so as to empower the
President of the United States to remove from office
any of the Judges of the Courts of the United States,
upon address to him made for that purpose, by a ma-
jority of the House of Representatives and two-thirds
of the Senate, in Congress assembled; and, in obedi-
ence to the said resolution, to request you to oppose
the proposed amendment.

"I am, very respectfully,

"Your obedient servant,

"George Truitt.

"His Excellency the Governor of the Commonwealth
of Pennsylvania;

"In the House of Representatives,

"January 26, 1808.

"Resolved by the Senate and House of Representatives of the State of Delaware, in General Assembly met, That the alteration proposed to the Constitution of the United States, by a resolution of the General Assembly of the State of Vermont, on the sixth day of November, one thousand eight hundred and seven, so as to empower the President of the United States to remove from office any of the Judges of the Courts of the United States, upon address to him made for that purpose, by a majority of the House of Representatives and two-thirds of the Senate, in Congress assembled; be, and the same is hereby disapproved by the Legislature of this State: and, that the Senators and Representative in the Congress of the United States, from this State, be, and they are hereby requested to oppose the said alteration; and the Governor of this State is hereby requested to transmit to each Senator and the Representative in Congress from this State, and to the Executive of each State, a copy of this resolution, that the same may be laid before the Legislatures of the several States, with a request to oppose the said alteration.

To the Assembly transmitting a resolution of the General Assembly of Virginia proposing an amendment to the Federal Constitution.

Gentlemen:

A GREEABLY TO A REQUEST OF HIS EXCEL-
lency William H. Cabell, esquire, Governor of
the State of Virginia, I submit to the respective
Houses, copies of a resolution of the General Assembly
of that State, proposing that the Constitution of the

United States shall be so amended, That the Senators in the Congress of the United States may be removed from office, by the vote of a majority of the whole number of the Members of the respective State Legislatures by which the said Senators have been, or may be appointed; together with a copy of the Governor's letter.

THOMAS M'KEAN.

Lancaster, March 4, 1808.

Documents Accompanying the Message.

"Richmond, February 22, 1808.

"Sir:

"I have the honor to transmit you herewith, a resolution of the General Assembly of the State of Virginia, proposing that the Constitution of the United States shall be so amended, That the Senators in the Congress of the United States may be removed from office, by the vote of a majority of the whole number of the Members of the respective State Legislatures by which the said Senators have been or may be appointed; and to request, that you will be pleased to lay the same before the Legislature of the State over which you preside.

"I am, with great respect,

"Sir,

"Your most obedient servant,

"William H. Cabell."

"His Excellency the Governor
of Pennsylvania.

"Resolved, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to endeavor to obtain the following amendment to the Constitution of the United States, to wit:

“That the Senators in the Congress of the United States may be removed from office, by the vote of a majority of the whole number of the Members of the respective State Legislatures, by which the said Senators have been or may be appointed.

“Resolved, That the Governor be requested to transmit to the Senators and Representatives of this State in Congress, and to the Governors of the other States, a copy of the resolution adopted by this present General Assembly, proposing an Amendment to the Constitution of the United States.”

To the Assembly transmitting a letter from C. Biddle, Esq., concerning provision for the safe keeping of the public arms within the Commonwealth.

Gentlemen:

I HAVE DIRECTED COPIES OF A LETTER TO me, dated the second instant, from C. Biddle, esquire, to be herewith laid before the respective Houses, for the purpose of bringing into their view, the subject of some provision for the safe keeping and preservation of the public arms within the Commonwealth. From their present situation, they are exposed to great and certain injury, for want of cleaning and occasional repairs. I therefore submit to the Legislature, the propriety of placing them under the superintendence of the quarter-master, general, or some other officer; with a reasonable compensation for his services, and with authority to have them stored in suitable places throughout the state, and cleaned and kept in repair at the public expence.

THOMAS M'KEAN.

Lancaster, March 7, 1808.

Letter Accompanying the Message.

"Philadelphia, March 2, 1808.

"Sir:

"A fire, which happened yesterday, from a neighboring chimney, communicated to the roof of the house, where about five hundred stand of the arms belonging to the Commonwealth were stored, and which I had some time ago reported to your excellency, and to the adjutant general. The roof was burnt through in several places, and a great quantity of water from the fire-hose and buckets, thrown on the roof and upper rooms, communicated with the arms, by which a great part of them are much wet, and should be removed with out delay and properly cleaned, to prevent their being spoiled. As they must be removed from the place they are in, I beg leave to suggest, whether they had not best be put in charge of Mr. Miles, or some other gun-smith, to have them stored, and properly cleaned, and taken care of.

"I request your orders, and am,

"With great respect,

"Your Excellency's most obedient

"And very humble servant,

"Clement Biddle.

"His Excellency Thomas M'Kean, LL. D.,
Governor of the Commonwealth of Pennsylvania."

To the Assembly transmitting a Report on certain
Land Claims in Luzerne County.

Gentlemen:

IN COMPLIANCE WITH THE REQUEST OF THE Senate, on the twenty-first day of January, I have directed the Secretary to deliver to you, the copy of a report received the fourteenth instant, from Rosewell Welles and Alexander Scott, esquires, two of the commissioners for executing the Act of the General

Assembly, entitled "An act for offering compensation to the Pennsylvania claimants of certain lands in the Seventeen Townships within the county of Luzerne, and for other purposes therein mentioned; and the several supplements thereto.

THOMAS M'KEAN.

Lancaster, March 16, 1808.

Report Accompanying the Message.

To Thomas M'Kean, esquire, Governor of the Commonwealth of Pennsylvania:

The following are the answers, to the several points made by the honorable the Senate, in their resolution passed the twenty-first day of January last past, touching the commission under the act of the fourth of April, one thousand seven hundred and ninety-nine, and the several supplements thereto, entitled "An act for offering compensation to the Pennsylvania claimants of certain lands in the Seventeen Townships within the county of Luzerne, and for other purposes therein mentioned."

1. What quantity of land is contained in the Fifteen Townships in Luzerne county; and what quantity is there in each township?

Answer. The quantity of land contained in the Fifteen Townships, is, 252,222 acres.

And the quantity in each township, as follows, viz.:

	Acres.	Per.
In Salem,	13,587	90
In Huntingdon,	17,257	9
In Newport,	19,683	17
In Plymouth,	15,234	55
In Hanover,	15,776	92
In Kingston,	17,036	54
In Wilkesbarre,	14,519	73
In Exeter,	23,541	90

In Pittstown,	15,418	49
In Providence,	15,644	
In Northmoreland,	16,414	145
In Putnam,	19,371	32
In Braintrim,	14,826	72
In Springfield,	16,465	84
In Claverick,	17,446	100

Total, 252,222 acres, 3 per.

2. What number of acres has therein been certified to the Connecticut claimants, as eligible to be patented?

Answer. The number of acres therein certified to the Connecticut claimants, as eligible to be patented, is one hundred and ninety-one thousand, six hundred and forty-seven acres.

3. What is the amount of money to which the lands so certified have been valued to said claimants, and what is the average price per acre?

Answer. The amount of money to which the land so certified to the Connecticut claimants have been valued at, is sixty-two thousand, and thirty-five dollars; and the average price per acre, is thirty-two cents, and three-tenths.

4. What is the money awarded to the Pennsylvania claimants, for lands released by them to the Commonwealth in said townships?

Answer. The amount of money awarded to the Pennsylvania claimants, in said townships, is about one hundred and nine thousand two hundred and forty-nine dollars. This amount however, as stated, is not taken from the best evidence; it may not be accurate. With the Secretary of the Land-office was deposited a book, containing the estimate; and to that office, for more correct information in this point, the commissioners beg leave to refer. They cannot however but hope, that it may not be considered as obtrusive in them to say, that, be the real amount what it

may, it never arose entirely from the valuation of lands exclusively held by patent. In looking into the entries of title made of released land, it is found, that no small portion of the sum above mentioned, arose from lands held only by location and warrant. For lands of this description, much money was due to the Commonwealth; and, after making the deduction, it will not require so great a sum in specie to redeem the certificates, as the holder might otherwise seem to demand, or the case require.

5. What quantity of land has been certified to the Connecticut claimants before the ninth day of April last, not released by the Pennsylvania claimants?

Answer. The commissioners cannot tell, with any great degree of precision. The question seems to presuppose, that all the land which has been certified to the Connecticut claimants, was claimed by Pennsylvania claimants; and yet by the Pennsylvania claimants not wholly released. It will be recollected, that Pennsylvania claimants, claiming, lands in the said townships, were never obliged by the aforesaid act, or by either of the supplements, to submit to the commissioners their titles to, or surveys of any land, but such as they should release to the Commonwealth. If this position be correct, it is not difficult to see, that no other of their claims would fall within the scope of this commission. If, indeed, the act or either of the supplements had made it imperative upon any Pennsylvania claimant, claiming lands in said townships, to submit his title to the commissioners, whether it was such an one as he could by the provisions of the act release to the Commonwealth, or not, and the commissioners had been directed to cause re-surveys of the land to be made, then, in that case, by plotting down the re-surveys upon the township drafts or maps, information might have been given as to the quantity of unreleased

land by the Pennsylvania claimants, embraced by the certificates which issued to the Connecticut claimants prior to the ninth of April last. But it is believed, the act required no such thing of the Pennsylvania claimants, who did not, or could not, by the provisions of said act, release their claims to the Commonwealth; and therefore, in this view of the subject, it is difficult to give an answer with that accuracy which the question seems to require. But being anxious to give every possible information in their power, in a point so important; and, believing at the same time that it would be desirable to receive such as they possess, the commissioners beg leave to state, that, from the best evidence they have, the land certified to the Connecticut claimants before the time aforesaid, and for which no releases by Pennsylvania claimants have been made, is in quantity about one hundred and twelve thousand acres; but it is believed, that the whole of this quantity of land was never taken up by Pennsylvania claimants. In conversing with those best acquainted with the different claims of the Pennsylvania claimants in said townships, to wit, the present Deputy-surveyor, together with others who profess to have some knowledge of them, seem to agree, that the most of them which accrued before the war, have been released; and those which accrued since, under the act of one thousand seven hundred and eighty-four, will not exceed ten thousand acres. Of the claims before the war, that have been released, are about eighty-nine thousand and ninety acres. This quantity of land, added to the claims under the act of one thousand seven hundred and eighty-four, will make ninety-nine thousand and ninety acres; and comprize principally the lands to which the Pennsylvania claimants in the said townships, had any claim prior to the passing of the con-

firming law, as it was commonly called, in March, one thousand seven hundred and eighty-seven, since which time, some land in the townships, have been taken up under the act of one thousand seven hundred and ninety-two, but how much, it is impossible to tell; but, from every information the commissioners can get, the quantity will not exceed forty-five thousand acres. It is not likely therefore, all the land certified to the Connecticut claimants, for which no releases have been made to the state, was ever claimed by any individual under the state; but much of it belonged to her, at the time the certificates issued, as land never before appropriated.

6. Why were not the record of the proceedings of the commissioners, and the drafts of survey made by their direction, deposited in the offices as directed by law?

Answer. It is believed they were; for, at the opening of the commission this last season, was had from the office of the Secretary of the Land-office to aid the present commissioners in their inquiries, the township surveys of the Fifteen Towns, together with said township papers, and lists of valuation or qualities of land, as adjudged to the Connecticut claimants in those townships, made by the former commissioners; from which circumstance, there is much reason to believe, all the rest of their proceedings were as regularly deposited.

7. What has been the proceedings of the commissioners under the act of the ninth of April last?

Answer. In addition to their former report, made in January last, they have only to observe, that they have adjudged to the Connecticut claimants in the Fifteen Townships, land to the amount of twenty-five thousand acres, which will be comprized in about one hundred and forty certificates, which are mostly made out. It is not probable, under the present provision

of the act, that all the Connecticut claimants who have presented their claims will be able to make out titles; though it is believed, that many of them are seated upon land, to which there is no adverse title of Pennsylvania claims, under the act of one thousand seven hundred and eighty-four. No releases have been received, excepting for about twelve hundred acres; from which circumstance, with a full board, the business of the commission can be brought to a close in a short time.

The commissioners would also wish to correct an error in their report of January last, with respect to the quantity of land which they stated to have been uncertified to the Connecticut claimants, before the act of the ninth of April last, in the Fifteen Townships. The land, instead of amounting to fifty thousand acres, amounted to sixty-one thousand acres. This error resulted from a belief and information of the clerks, that the Fifteen Townships contained only about sixteen thousand acres upon an average; making in the whole two hundred and forty thousand acres: whereas it is now found, upon a correct calculation, that they contain something more than two hundred and fifty-two thousand; from which, after deducting that which had been certified to the Connecticut claimants, it left somewhat more land than was represented.

With respect to the answers given to the first five points made by the resolution, the commissioners cannot vouch for their entire accuracy, as to an acre of land, or a cent in money. Much care has been used to make the calculations as correct as the means and evidence in possession would enable. It therefore is believed, that the answers are not very widely different from the state of facts; and when it is considered, that the aforesaid act of the fourth of April, &c., has well nigh brought to a close, a dispute that has subsisted for so many years; and that a considerable portion of the

money expended by the state in carrying the act, &c., into execution, will be reimbursed by the Connecticut claimants, the loss of the state will not be considered as great, or even that loss as much as to be regretted.

It will be found, by looking at the sum with which the land certified to the Connecticut claimants stands charged, that it amounts to no less a sum than sixty-two thousand and thirty-five dollars and eleven cents. To this sum add four years interest, which will be about fifteen thousand dollars, and twenty-four thousand two hundred and forty-four dollars, (which must be paid on one thousand four hundred and thirty-two certificates that have issued) and, in the aggregate, those sums will form a debt due to the state, of one hundred and one thousand two hundred and seventy-nine dollars. But this not all; the land already adjudged to the Connecticut claimants by the present commissioners, including the patenting fees, will make a further sum in favor of the state, very little (if any) short of nine thousand dollars; and hence, those two sums put together, will form a debt due from the Connecticut claimants to the Commonwealth, of one hundred and ten thousand two hundred and seventy-nine dollars.

All which is respectfully submitted by,

[Signed]

Rosewell Welles,
Alexander Scott.

March 4, 1808.

Proclamation of Reward for the Apprehension of one
John Gallagher, accused of Murder.

Pennsylvania, ss:

[Signed.] Tho. M'Kean.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania.

By THOMAS M'KEAN, Governor
of the said Commonwealth.

A PROCLAMATION.

Whereas I have received authentic information, that on the 17th day of this instant, a stranger or person unknown, being on his way from Wrights ferry, towards the borough of York, was cruelly beaten, and killed, and that the said stranger is believed to have been most wantonly and Maliciously Murdered by a certain John Gallagher, (otherwise called Francis Gallagher): And Whereas the reputation of the Government, the peace and security of its citizens and the obligations of justice and humanity require, that the perpetrator of an offence so atrocious should be brought to speedy and condign punishment; I have thought it proper to issue this proclamation, hereby offering a reward of two hundred dollars to any person or persons who shall apprehend and secure within any jail of this Commonwealth, the said John Gallagher, in order to his being brought to trial: And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth, according to the respective offices, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing the said John Gallagher, otherwise called Francis Gallagher to justice.

Given under my hand and the Great Seal of the State, at Lancaster, this twenty-seventh day of June in the

year of our Lord, one thousand eight hundred and eight, and of the Commonwealth, the thirty-second.

By the Governor,

T. M. Thompson,

Secretary of the Commonwealth.

John Gallagher, otherwise called Francis Gallagher, an Irishman, about 5 feet 9 or 10 inches high, slender made, stutters a little when hurried in speaking (his face)? a little pock marked, one eye bloodshot, has one
 *the head received from the stroke of
 a club in him, had on a dark coloured coat, white waistcoat, white stockings, but may have changed them since. Has followed the distilling business on Opossum Creek, at Petersburg, near the Sulphur Springs, Adams County.

Proclamation declaring the election of Electors of a President and Vice President of the United States—1808.

Pennsylvania, ss:

[Signed.] Tho. M'Kean.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania.

By THOMAS M'KEAN, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly, entitled "An act to direct the manner, times and places of holding elections for Electors of a President and Vice President of the United States," passed on the second day of February, one thousand eight hundred and two, that the Governor, having re-

*The blanks are due to mutilations in the original.

ceived the returns of the elections from the Sheriff of the city and County of Philadelphia, and the respective Sheriffs of the several counties of this Commonwealth, shall enumerate and ascertain the number of votes given for each and every person voted for as Electors of a President and Vice President of the United States; and thereupon declare, by Proclamation, the name of the Persons so duly elected and chosen; and also, that he shall notify the same to the Electors respectively, on or before the last Wednesday in the month of November next after such Election.

And Whereas it appears, by the returns which I have received, that Charles Thompson, William Montgomery, Thomas Leiper, Michael Lieb, Joseph Engle, William Rodman, Archibald Darrah, Jacob Weygandt, Joseph Lefevre, Gabriel Hiester, Jun'r, George Hartman, Adamson Tannehill, James Cowden, William Wilson, Robert Giffen, Jacob Hostetter, David Fallerton, Peter Kimmel, Joseph Huston, and John McDowell, are the persons for whom the greatest number of votes were given at the said election, held on Friday, the fourth day of November, instant. Now, therefore, I have issued this Proclamation, hereby publishing and declaring that the said Charles Thompson, William Montgomery, Thomas Leiper, Michael Lieb, Joseph Engle, William Rodman, Archibald Darrah, Jacob Weygandt, Joseph Lefevre, Gabriel Hiester, Jun'r, George Hartman, Adamson Tannehill, James Cowden, William Wilson, Robert Giffen, Jacob Hostetter, David Fallerton, Peter Kimmel, Joseph Huston, and John McDowell are duly elected and chosen Electors of a President and Vice President of the United States, to serve at the election in that behalf to be held, at the seat of Government of this State (being the borough of Lancaster, in the County of Lancaster) agreeably to the said Act of Assembly, and the Acts of Congress in such case made and provided.

Given under my hand, and the Great Seal of the State, at Lancaster, this nineteenth day of November, in the year of our Lord one thousand eight hundred and eight, and of the Commonwealth the thirty-third.

By the Governor,

T. M. Thompson, Sec.

To the Assembly giving notice that the presidential electors are ready to perform their duties.

Gentlemen:

IN PURSUANCE OF THE 4TH SECTION OF AN Act of the General Assembly, of the Commonwealth of Pennsylvania, approved the 2d day of February, 1802, entitled "An Act to direct the Manner, Time, and Places of holding Elections for Electors of a President and Vice President of the United States," it becomes my Duty to inform the Legislature, that the following Gentlemen have given Notice to me, that they are at the Seat of Government, and ready to perform the Duties of Electors of President and Vice President of the United States, viz.: Charles Thompson, Thomas Leiper, Michael Leib, Joseph Engle, William Rodman, Archibald Darrah, Jacob Weygandt, Joseph Lefever, Gabriel Hiester, junior, George Hartman, Addamson Tannehill, James Cowden, William Wilson, Robert Giffen, David Fullerton, Jacob Hostetter, Peter Kimmell, and Joseph Huston; by which it appears, that William Montgomery and John M'Dowell, Esqrs., two of the Persons chosen at the late Election, to serve as Electors, are absent from the Seat of Government, owing (as I have been informed) to bodily Indisposition.

THOMAS M'KEAN.

Lancaster, Dec. 6, 1808.

Opening Address to the Assembly—1808.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

THE EXISTING CRISIS IN PUBLIC AFFAIRS will naturally engage the attention of the Members of the Union; and particularly, I trust, of Pennsylvania. The Communications, which the President has recently made to Congress, disclose, in a clear and comprehensive Review, the Origin and Progress of our Controversy with the belligerent Powers. And should we, after all, be compelled to surrender the Blessing and the Hope of Peace, we have certainly the Consolation to see it demonstrated to the world, that neither the Guilt of Aggression, nor the Folly of Ambition, can be fairly imputed to the Measures of our Government.

Impartial, respectful, and conciliatory, towards other Nations, the Federal Administration, with becoming Firmness and Dignity, has sought in return Atone-ment for acknowledged Injuries, and Security for unquestionable Rights. In the Result, however, an Appeal to the Justice (nay, to the Interest) of those Nations, has been received with Indifference, or rejected with Derision: Truth and Reason have been opposed, in vain, to Pride and Power; and every candid Mind at last perceives, that the Independence of America must be maintained (as it was achieved) by the active Patriotism and Valor of her Sons.

If any thing were wanting, to evince the Wisdom of the Course which Congress has pursued, at the perilous Period, the Safety given to our commercial Capital, with all its Incidents (notwithstanding the probable Fate of the Negotiations with foreign Powers) must, I think, remove every Doubt. It is true, that by the Operation of the Embargo, the Spirit of maritime

Enterprize has been restrained; the Profits of Trade for awhile surrendered; the Price of some of the Staples of the United States has been reduced; and the Occupations of particular Classes of Citizens have been partially interrupted.

But these Inconveniences are not so great, as the Loss of private Property, which lawless Captures and arbitrary Confiscations would inevitably produce; and they are unworthy of a moment's Calculation, when placed in Competition, with the Loss of national Independence, to be incurred by a tame Submission to the Orders and Decrees of the Sovereigns of Europe. Nor are these (you will readily perceive) the only Considerations which accommodate the Suspension of foreign Commerce to the interest, as well as to the Honor, of our Country.

Upon a full View of the national Situation, its present Inconveniencies, and its probable Consequences; the patriotic Disposition, which has been manifested by our immediate Constituents, is entitled to universal Respect and Applause. If it is true, that Symptoms of Disaffection to the Union, of Opposition to the Laws, and of Animosity to the chosen Rulers of the People, have elsewhere appeared; Pennsylvania, we know, directing her Energies to other Objects, has borne the Suspension of her Commerce without Murmur or Complaint. Neither the Restraints of the Embargo, nor the Feuds of Party, nor the Allurements private Interest, nor the Menaces of War, have impaired, in Feeling or in Action, her Obedience to the Constitution and Laws; her Pride of Character, or her plighted Faith to the Government of the Union.

An Example, so honorable and so conspicuous, cannot fail to be beneficial. Extending beyond the Limits of Pennsylvania, it will animate and confirm the Virtue of her Sister States. And, for my own part, I feel the highest Gratification, that, among the latest Acts

of a protracted public Life, after a Lapse of more than 30 years, and in Seasons of extreme Difficulty and Danger; I can again unite with my Countrymen in "the mutual Pledge of our Lives, our Fortunes, and our sacred Honor," to support the Declaration, "that these United States are, and of Right ought to be, free and independent.

But, Gentlemen, in order to give efficient Support to such a Declaration, every State—nay, every Citizen of every State—must rally round the Standard of the Union; prepared, in Numbers, in Discipline, and in Arms, as well as in Resolution, to encounter and repel every hostile Assailant. Hence the Condition of the Militia will claim and receive your earliest Attention. The Muster-roll exhibits a Force, formidable indeed in its Amount, and exemplary for the Patriotism and Bravery of those who compose it: But, to render the Militia an adequate Substitute, or even a useful Auxiliary, for a regular Army, a new System of Organization, better directed to the purposes of Discipline, Subordination, and Equipment, is anxiously expected from the Wisdom of the Legislature.

Nor is it in Military Preparation alone, that our Zeal to support the Declaration of Independence ought now to be displayed. The Theory of Independence is often distinct from its practical Enjoyment; and the Republican Institutions of our Country will be vain and illusory, unless the Morals and the Manners of the People shall be moulded in Conformity to them. To be truly independent, we must be able to provide, at least, for our own Wants; we must explore and combine the physical Proprieties of our Climate and our Soil, our Woods and our Waters: And, to be truly Republican, we must maintain a pure and vigilant Administration of Justice; we must multiply the Opportunities of acquiring useful Knowledge; and we must

endeavor (mutually endeavor) to extinguish or to allay the Spirit of Party.

Upon the various Subjects, connected with these important Considerations, the Records of your Predecessors will present an ample Scope for Deliberation; and I am persuaded, that, in the Encouragement given to the Improvement of Roads, inland Navigation, and other public Works; in the Patronage conferred on Seminaries for educating the Poor; and in the necessary Augmentation of the Number of the Judges, as well as in the Reorganization of the Courts, to answer the Calls of Justice; you will invariably consult and pursue the Welfare and the Honor of the State. In a Career so laudable, all party Animosity will be subdued; all personal Asperity will be assuaged; and the diffusive Influence of such Liberality and Forbearance will not fail to produce, among our Constituents, that Unity and Harmony of Action, without which we cannot long hope to prosper, and with which we shall never have occasion to fear.

Gentlemen of the House of Representatives:

By the annual Reports from the Department of Accounts, you will perceive, that the permanent Revenues of the Commonwealth are sufficient to defray the ordinary Expences of Government; and that to those Revenues an Addition has been made, since your last Session, by a Subscription for 200 Shares of the Stock of the Bank of Philadelphia, at Par; the Market-price being so advanced, as to exclude the Alternative of a Purchase.

In the Application of the public Treasure, the Legislature will endeavor, I am confident, to unite the Duty of Economy, with the Attainments of a liberal and enlightened Policy; particularly as our Constituents have ever evinced an eager Disposition to contribute, whatever may be wanting for the important Objects to which I have alluded.

Permit me to add, that, in revising the Journals, it will be found, that a legislative Pledge remains unsatisfied. To the Honor of the late Governor Mifflin; whose patriotic Life, in War and in Peace, in the Field and in the Cabinet, had been devoted to the Service of his Country, a public Funeral and a Monument were decreed, in the year 1800: But, by an unfortunate Omission, the Resolution of the two Houses was not presented for the Executive Approbation (which would cordially have been given); and no Appropriation consequently exists, to complete this last Testimonial of the Affection and Respect of Pennsylvania, for one of her distinguished Sons.

Another Native of our State, the gallant Wayne; who, to the glorious Exploits of his revolutionary Career, added, in later times, a signal Victory, over a Combination of Indian Forces, hitherto probably unequalled, lies buried in a distant Grave, without a single Trophy to designate the Spot. His Deeds must amply consecrate his Memory; but something will still be due, to evince the Sense which his Country entertains of his Virtue and his Valor.

Gentlemen of the Senate, and Gentlemen of the House
of Representatives:

In my last personal Communication to the Legislature, probably in the last important public Act of my Life, I shall be indulged, I hope, in claiming some Credit, for Feelings corresponding with the Solemnity of the Occasion. It has been my Lot to witness the Progress of our Country, from a colonial to a national Character, through the Ordeal of many Trials, in Peace and in War. It has been my Happiness to enjoy the Favor and the Confidence of our Country, in the most arduous as well as in the most auspicious Stages of her political Career. Thus attached by every Tie of Honor and Gratitude, by all the Motives of social In-

terest and Affection. I contemplate the future Destinies of our Country with a proud, but an anxious Expectation. My Day of Exertion (of feeble Exertion at the best) is past: But, for our Fellow-citizens, and for their Representatives, in every Department of the Government, I can only cease to implore the Blessings of Providence, when I cease to exist.

THOMAS M'KEAN.

Lancaster, Dec. 8, 1808.



Simon Snyder

SIMON SNYDER.
Governor of the Common-
wealth.
1808-1817.



Chapter X.

SIMON SNYDER.

Governor of the Commonwealth,

1808-1817.

THE MOST CONSPICUOUS POLITICAL ANTAGONIST of Governor M'Kean was Simon Snyder, of Selinsgrove, who was a candidate for Governor during M'Kean's last campaign for that office and who failed to defeat him by a narrow margin. Snyder was the son of a respectable German mechanic who had emigrated from the Palatinate to seek his fortune in the New World. His childhood was passed in poverty and labor, and, unlike his immediate predecessors, he had no Revolutionary military record, being apprenticed to a tanner in 1776. With a natural disposition to study, he devoted his spare moments to the improvement of his mind and for twelve years, after the expiration of his apprenticeship, executed the office of Justice of the Peace with singular ability and correctness, not a single one of his decisions during that prolonged period having been overruled by a higher court.

He was a member of the Constitutional Convention of 1789, and in 1797 he was elected to the House of Representatives, in which he was a conspicuous feature

until his elevation to the gubernatorial chair in 1808, the last six years of the period serving as Speaker. His native sagacity coupled with his insatiable appetite for study made him one of the most useful members of the legislature, leading him to align himself uniformly upon the better side of the various legislative movements of his time. He was particularly prominent in his advocacy of the "Hundred Dollar Act," which provided for the trial of cases involving less than a hundred dollars, before a Justice of the Peace, and in which the principle of arbitration was a novel and valuable feature.

The encouraging vote which Mr. Snyder brought out in his campaign at the time of Governor M'Kean's election for his third term, brought him favorably before the public as a Democratic candidate for the governorship, upon the expiration of the latter gentleman's service by constitutional limitation in 1808, and he was elected by an overwhelming majority, continuing in the office until his service in turn expired by constitutional limitation in 1817. The period of his administration was pregnant with important events, not only in Europe but in America, when the indefensible invasion of the rights and property of American seamen by the British, forced the country into the conflict known as the War of 1812. Into the support of the war Governor Snyder threw all his energies, devoting all his personal and public influence to the encouragement of enlistment and equipment; to this latter end it is said that his wife even devoted her crimson cloak, suffering it to be cut up into facings for

the uniforms of the volunteers. It is of especial interest, in connection with the present work, that Governor Snyder was the first to substitute an annual message to the Legislature for the annual address previously in vogue, a custom which has since been generally adopted.

Soon after the expiration of his last term as Governor, he was elected to the State Senate, but his service was confined to but one session, for on the 9th of November, 1819, he succumbed to typhoid fever, after a long life of public usefulness and a service as Governor of the Commonwealth, extending from December 20, 1808, to December 16, 1817.

Inaugural Address to the Assembly.—1808.

Fellow Citizens:

ELEVATED TO THE FIRST OFFICE OF THE Commonwealth, I approach its duties with all that diffidence and solicitude, which its high importance, responsibility, and difficulty, necessarily impose.

Having taken the oaths required, faithfully to discharge the duties of Chief Magistrate of the Commonwealth of Pennsylvania, it only remains to assure you, that I enter upon their performance, with purity of motive and intention, and an unalterable determination to devote every faculty of my mind, to the promotion of the Freedom, Honor, and Happiness of our Country.

I should do violence to my feelings, did I not embrace this earliest opportunity of tendering to my Fellow-citizens, the sincere, though faint expression of the gratitude which animates my heart, in return for the Confidence which so large a portion of them have so strongly manifested towards me, by their votes at the late General Election. These feelings, super-added to the solemn obligation of the oaths I have taken, will be ever present, and shall at all times influence my conduct.

With the happiness and prosperity of Pennsylvania as my object, the Constitution of the Commonwealth as my polar star, your wisdom and patriotism as my guides, and the confidence and affectionate attachment of our Constituents as my supporters; and a firm reliance on Divine Providence; I hope so to discharge the duties of the station, as to express a proper sense of the distinguished honor which has been conferred on me.

Fellow Citizens:

In entering upon my public duties, I feel that I ought to rely much upon the wisdom, patriotism, and

information of the Representatives of the People. I solicit your friendly aid, and shall esteem it a pure source of gratification, if I shall be so fortunate as to have, through my administration, a perfect good understanding and harmonious intercourse with the Legislature of the State. These are circumstances at all times greatly to be desired: But, in a national crisis, like the present, when all that is dear and precious to the United States is threatened, by the violence and aggressions of foreign Powers; it is peculiarly and eminently the duty of all the constituted Authorities, to act in support of the just and honorable measures adopted by the Federal Government; as if animated by one heart, one spirit, and one determination. The happy influence of such an accordance of opinion and action, is not bounded by our Country, but beneficially extends itself, wherever American politics can interest, or American interests be affected.

In future Communications, it shall be my pleasure, as it will be my duty, to submit to the consideration of the Legislature, such measures as an honest and ardent desire, to promote the public prosperity, shall suggest.

Accept, Fellow-citizens, for yourselves and your Constituents, my best wishes for your welfare and happiness, public and private.

SIMON SNYDER.

Lancaster, Dec. 20, 1808.

To the Assembly giving notice of the Appointment of Nathaniel B. Boileau to be Secretary of the Commonwealth.

Gentlemen:

IT IS PROPER TO INFORM YOU, THAT I HAVE this day appointed and commissioned Nathaniel B. Boileau, to be Secretary of the Commonwealth, agreeably to the 15th Section of the 2d Article of the Constitution.

SIMON SNYDER.

Lancaster, Dec. 20, 1808.

Proclamation Announcing the Election of Simon Snyder as Governor and Continuing Officials for the Term of Three Months.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, the Speaker and members of the Senate and Speaker and members of the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania have duly certified that the said Speaker of the Senate did on the nineteenth day of December instant, in the Chamber of the House of Representatives, in the borough of Lancaster open and publish the Returns of the late Election of a Governor of the said Commonwealth in the presence of both Houses of the Legislature conformably to the Con-

stitution of the said Commonwealth and that upon counting the votes by a Teller appointed from each House it appeared that Simon Snyder was declared to have a majority of votes: Whereupon the said Simon Snyder was declared to be duly elected Governor of the said Commonwealth, and having first taken the oaths of office, was accordingly on this twentieth day of December

Now in pursuance of the power and trust to the Governor of this Commonwealth, by the Constitution and laws granted and confided, and for preventing all failures in the administration of justice: I, the said Simon Snyder, have deemed it expedient to issue this proclamation, Hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued, for the term of three months from the date of these presents, unless the said appointments and commissions shall be sooner superseded and annulled.

And I do farther direct and enjoin all public officers engaged in the several Departments of the government to proceed with diligence and fidelity in the performance and execution of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State, at Lancaster, the twentieth day of December in the year of our Lord one thousand eight hundred and eight, and of the Commonwealth the thirty-third.

By the Governor.

N. B. Boileau,
Secretary of the Commonwealth.

To the Assembly transmitting a copy of the resignation by Samuel Maclay of his seat in the Senate of the United States.

Gentlemen:

I SEND YOU ENCLOSED A COPY OF THE RESIGNATION of Samuel Maclay, Esquire, of his seat in the Senate of the United States, presented to me this day. To you, Gentlemen, it pertains to supply the vacancy in the Senate of the United States, agreeably to the laws of this Commonwealth, in such case made and provided.

SIMON SNYDER.

Lancaster, Jan. 4, 1849.

Resignation of Senator Maclay.

Lancaster, Jan. 4, 1809.

Sir:

In discharge of the duties which devolved on me, in consequence of my election, by the Legislature of the State, I have differed in opinion with a majority of those with whom I had the honor of acting, in the Senate of the United States; and it appears, with the Legislature of Pennsylvania. It therefore becomes my duty, to give them an opportunity of electing a Man, who will act in conformity to their wishes, in the Councils of the Nation. I therefore beg leave to resign my seat in the Senate of the United States.

I am, Sir, with due regard,

Your Excellency's obedient

Humble Servant, *

[Signed] S. Maclay.

His Excellency Simon Snyder, Esq., Governor of Pennsylvania.

To the Assembly transmitting a resolution of the General Assembly of Maryland to Amend the Federal Constitution.

Gentlemen:

A GREEABLY TO A REQUEST OF HIS EXCEL-
lency Robert Wright, Esquire, Governor of the State of Maryland, I submit to the respective Houses, copies of a Resolution of the General Assembly of that State, on the subject of a proposed Amendment to the Constitution of the United States, relative to the manner of removing Senators of the United States from office; together with a copy of the Governor's letter.

SIMON SNYDER.

Lancaster, Jan. 13, 1809.

Proclamation Announcing the Election of Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An act to provide for the election of Representatives of the People of this State in the Congress of the United States," passed on the second day of April, in the year one thousand eight hundred and two, that

the Governor having received the returns of the election from the Sheriff of the city and County of Philadelphia, and the respective Sheriffs of the several counties of this Commonwealth, shall declare by proclamation the name of the person or persons returned as duly elected in each respective district: And Whereas, as it appears from the returns of the General election held on Tuesday the eleventh day of October last, in and for the several districts hereinafter specified, that the following named persons were duly elected to serve in the House of Representatives of the Congress of the United States, for the term of two years from and after the fourth day of March next, viz:

In the district composed of the city of Philadelphia, and the Counties of Philadelphia and Delaware, Doctor John Porter, Doctor Benjamin Say and William Anderson.

In the district composed of the counties of Bucks, Montgomery, Northampton, Wayne and Luzerne, Robert Brown, John Ross and William Milnor.

In the district composed of the counties of Chester, Berks and Lancaster, Daniel Hiester, Matthias Richards and Robert Jenkins.

In the district composed of the counties of Dauphin, Cumberland, Mifflin and Huntingdon, Robert Whitehill and David Bard.

In the district composed of the counties of Northumberland, Lycoming and Centre, George Smith.

In the district composed of the counties of York and Adams, William Crawford.

In the district composed of the counties of Franklin and Bedford, John Rea.

In the district composed of the counties of Westmoreland, Armstrong, Indiana, Jefferson, Somerset, and Cambria, William Findley.

In the district composed of the counties of Fayette and Greene, John Smilie.

In the district composed of the county of Washington, Aaron Lyle.

In the district of the counties of Allegheny, Beaver, Butler, Mercer, Crawford, Venango, Warren and Erie, Samuel Smith.

Now, therefore, I have issued this proclamation, hereby publishing and declaring that the said Doctor John Porter, Doctor Benjamin Say, William Anderson, Robert Brown, John Ross, William Milnor, Daniel Hiestler, Matthias Richards, Robert Jenkins, Robert Whitehill, David Bard, George Smith, William Crawford, John Rea, William Findley, John Smilie, Aaron Lyle, and Samuel Smith, are duly elected and chosen as Representatives of the People of this State in the House of Representatives of the United States, for the term of two years, to commence from the fourth day of March next.

Given under my hand and the Great Seal of the State at Lancaster this thirteenth day of January, in the year of our Lord one thousand eight hundred and nine, and of the Commonwealth the thirty-third.

By the Governor.

Nath. B. Boileau, Sec'y.

To the Assembly concerning the suit of Gideon Olmstead and others vs. Elizabeth Sergeant and Esther Waters, Executrixes of the late Mr. Rittenhouse.

Gentlemen:

I HAVE RECEIVED INFORMATION, THAT THE Supreme Court of the United States hath ordered a peremptory Mandamus to be issued, in the suit of Gideon Olmstead and others, versus Elizabeth Sergeant and Esther Waters, Executrixes of the late Mr. Rittenhouse; and that immediate application will be

made to Richard Peters, Judge of the District Court of Pennsylvania, for an execution against the persons and effects of the said Elizabeth Sergeant and Esther Waters; or that, rather, as it is an admiralty proceeding, an attachment against their persons will be the compulsory process adopted on the occasion.

By the Act of the 2d of April, 1803, Mrs. Sergeant and Mrs. Waters are directed to pay a sum of money, arising out of the sale of the British Sloop Active, captured during the late revolutionary War, into the State Treasury. With the requisition of that law, the said Executrices have complied. It now becomes my Duty, agreeably to the provisions of that Act, to protect the property and persons of the said Executrices, against such process. Painful as this Duty is, I am compelled, and am now making arrangements to call out a portion of the Militia for that service; that being the only means in the power of the Executive.

As the execution of this Law may produce serious Difficulties, as it respects the relation of the State Government with that of the United States, I have thought proper to make this communication; on which the Legislature can act as, in their wisdom, they shall think expedient.

SIMON SNYDER.

Lancaster, Feb. 27, 1809.

To the Assembly transmitting a resolution of the Legislature of the State of Massachusetts, disapproving an amendment to the Federal Constitution proposed by the Legislature of Virginia.

Gentlemen:

I HEREWITH TRANSMIT TO THE LEGISLATURE a copy of a Resolution, of the Legislature of the State of Massachusetts, disapproving of an amendment to the Constitution of the United States,

proposed by the Legislature of Virginia. A copy of Lieutenant-Governor Lincoln's letter is also annexed.

SIMON SNYDER.

Lancaster, March 6, 1809.

"Commonwealth of Massachusetts,
"Council Chamber, Boston, Feb. 22, 1809.

"Sir:

"Agreeably to the request of the Legislature of this Commonwealth, I transmit to you their Resolution, disapproving the amendment to the Constitution of the United States, proposed by the State of Virginia, on the 13th of January, 1808.

[Signed] "Levi Lincoln.

"His Excellency the Governor of Pennsylvania:

"Commonwealth of Massachusetts,
"In the Senate, Feb. 18, 1809.

"Resolved, That the alteration proposed to the Constitution of the United States, by a Resolution of the General Assembly of the State of Virginia, on the 13th day of January, in the year of our Lord one thousand eight hundred and eight, so as "That the Senators, in the Congress of the United States may be removed, from office, by the vote of a majority of the whole number of Members of the respective State Legislatures, by which the said Senators have been or may be appointed;" be, and the same is hereby, disapproved by the Legislature of this Commonwealth; and that the Senators from this Commonwealth, in the Congress of the United States, be instructed, and the Representatives be requested, to oppose the said alteration.

"Resolved, That his Honor, the Lieutenant-governor, be requested to transmit a copy of the foregoing Resolution to each of the Senators and Representatives, in Congress, from this Commonwealth, and to the Executive of each State."

Proclamation Further Continuing all Appointments
under the Executive for the Term of Two Months.

Pennsylvania, ss:

[Signed] Simon Snyder.



I IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I issued a Proclamation bearing date the twentieth day of December last confirming and continuing all appointments made, and all commissions theretofore lawfully issued, and which were in force on the said twentieth day of December, for the term of three months from the date of the said proclamation, unless the said appointments and commissions, or any of them, should be, by me, sooner superseded and annulled: And Whereas, I have deemed it expedient to extend the term aforesaid; therefore I have issued the present proclamation hereby continuing all appointments and commissions aforesaid (not by me already superseded and annulled) for the term of two months, to be computed from [the] date hereof, unless the same shall [be by] me superseded and annulled.

Given under my hand and the Great Seal of the State at Lancaster, this tenth day of March, A. D. 1809, and of the Commonwealth the thirty-third.

By the Governor.

N. B. Boileau, Sec'y.

To the Assembly recommending the purchase from John G. Baxter of a machine for manufacturing yarn from hemp and flax.

Gentlemen:

TO ENCOURAGE AND TO PATRONIZE THE Arts is, at all times, worthy of the peculiar regard of an enlightened Legislature. In a State like that of Pennsylvania, with an extensive and fertile soil, affording materials for every species of manufactures; abounding with streams of water, admirably calculated for working machinery of every description; but its population, although numerous, yet inadequate, by manual labor, to bring into complete operation all its natural advantages, and its resources; the man, who devotes the energies of his mind to the invention of labor-saving machines, deserves peculiar notice.

Under this impression, I introduce to the attention of the Legislature, Mr. John G. Baxter, of the county of Philadelphia. He has brought to the Seat of Government, a machine of his own construction, upon simple principles, for manufacturing flax and hemp into yarn. It may consist of 30 or more spindles. The work performed by each, in a given time, is equal to what can be done by one person in the same time, in the ordinary way. It will not require the attendance of more than four persons; and, if the machinery be worked by water, the number of spindles may be indefinitely increased: Hence it follows, that the labor of twenty-six out of thirty persons will be saved.

I submit to the Legislature the propriety of giving him a generous price for the machine, for the purpose of its remaining at the Seat of Government, to satisfy the citizens who choose to view it, by ocular demonstration, of the immense utility of the invention, and to evince the disposition of the Legislature to patronize so meritorious a citizen.

It is scarcely necessary to enforce the suggestion by observing, that the gloomy prospects which now present themselves, in consequence of our foreign relations, would not have existed, had our progress in manufactures kept pace with our agricultural improvements; and this, probably, is to be attributed chiefly to the cause at which I have already hinted, the fewness of Labourers, and the consequent enhanced price of labor.

Never can we expect to be truly an independent Nation, until the product of our manufactories is commensurate with our wants; for which our Country affords ample materials, and the genius and enterprise of our citizens are competent, if properly encouraged and directed.

SIMON SNYDER.

Lancaster, March 28, 1809.

*Proclamation declaring the election of Dr. Adam Seybert as a Representative of the State of Pennsylvania in the Congress of the United States.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania.

By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided, in and by an Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of Representatives of the People of this State, in the Congress of the United

*This Proclamation is first to bear the the Seal described in the Act of Assembly passed the second day of March, 1809.

States," passed the second day of April, in the year one thousand eight hundred and two, that the Governor having received the returns [†of the election from the Sheriff] of the City and County of Philadelphia [and the respective] sheriffs of the several counties of this [Commonwealth shall declare] by proclamation the name of the [person or persons to him returned] as duly elected, in each respective district. [and Whereas it] appears from the returns of a general election held on the tenth day of this present month (in pursuance of writs issued by me for that purpose) in and for the City and County of Philadelphia, and the County of Delaware, that Doctor Adam Seybert has been duly elected to serve as Representative of this State, in the House of Representatives of the United States, and to supply the vacancy occasioned by the resignation of Doctor Benjamin Say: Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Doctor Adam Seybert is duly elected and chosen a Representative of the people of this Commonwealth, to serve in the House of Representatives of the Congress of the United States during the remainder of the term for which the said Doctor Benjamin Say was Elected to serve.

Given under my hand and the Great Seal of the State at Lancaster this twenty-fifth day of October, in the year of our Lord one thousand eight hundred and nine, and of the Commonwealth the thirty-fourth.

By the Governor;

N. B. Boileau, Sec'y.

†The portions included in brackets have been cut out of the original.

Proclamation of reward for the apprehension of the persons who committed a robbery and assault on John Swenck, toll gatherer.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania.:

By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that on the night of the sixth instant, between the hours of ten and twelve of the clock, a certain John Swenck, toll-gatherer, residing at the turnpike gate, about one mile north-west of the borough of Lancaster, in the Commonwealth aforesaid, was then and there, by a person to him unknown, robbed, and cruelly and inhumanly beaten and abused, to the great injury of his person and danger of his life.

And Whereas the reputation of the government; the peace and security of its citizens; and the obligations [*of justice and humanity require that the] perpetrators [of offenses so atrocious should be brought] to speedy and condign punishment: I have therefore thought proper to issue this proclamation, hereby offering a reward of two hundred dollars to any person, or persons, who shall apprehend and secure within any Jail of this Commonwealth, the person who has committed the said crime, in order to his being brought to trial and conviction. And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth, according to the duties of their respective offices, are hereby required and enjoined to be attentive and vigilant in inquiring after, and bringing to justice, the perpetrator of the crime aforesaid.

*The portions included in brackets indicate mutilations in the original.

Given under my hand, and the Great Seal of the State, at Lancaster, this eleventh day of November, in the year of our Lord, one thousand eight hundred and nine, and of the Commonwealth of thirty-fourth.

[By the Governor,

N. P. Boileau, Sec'y.]

Said villain is about five feet eleven inches high, was cloathed in an old grey woolen great coat, much torn at the elbows. Had with him a black horse (without a saddle) which horse appears to have been stolen, having since been reclaimed by the owner.

Annual Message to the Assembly—1809.

Fellow Citizens of the Senate, and of the House of Representatives:

IT HAS BEEN USUAL, AT THE ANNUAL MEETING of the representatives of the people, for the executive to communicate to them, in person, whatever he thought would have a tendency to promote the happiness and prosperity of their constituents. I have been induced to depart from this custom, from a conviction that communications, by message are more in accordance with our republican principles and institutions, simplicity of manners, sound economy, and equally respectful to the members composing the legislature.

You assemble, fellow citizens, under circumstances deeply interesting to our country; which call for all our energies and all our patriotism, and imperiously demand, from the people and the constituted authorities, a union of action in support of our common rights. The hostile nations of Europe, with unabated fury, carry on the contest against each other, and against the rights

*This paper marks the departure from the custom of addresses by the Governor in person to that of transmitting messages, thereafter in vogue.

of neutral nations.—The communications laid before congress, exhibit a gloomy prospect of our foreign relations. They manifest that the frank and honorable negotiations, and a prompt and perfect compliance with our engagements, have not been met with corresponding dispositions, nor reciprocal good faith.

The conduct of the government of Great Britain, in refusing to carry into effect a contract, predicated upon propositions made by her own minister plenipotentiary, is one of those unequivocal evidences of a contemptuous disregard for solemnly and publicly plighted national honor, which could not fail to arouse the resentment of the people of the United States; whose indignation has been greatly and justly heightened, by the haughty and indecorous deportment of the present British minister.

It is much to be regretted, that all the measures which the wisdom and anxious patriotism of congress have devised, all the manifestations of the most prompt and earnest desire to obtain honest friendship with the belligerents, have not effected the object contemplated. But it is gratifying to feel, that our conduct cannot have failed to impress the nations of Europe with high respect for our national character: Nor has it failed to excite, in every American's bosom, a fixed and determined resolution to support the general government, in its patriotick efforts to maintain the honor, independence, and just rights of our country.

This determination is the more to be relied on, because it is not only the dictate of correct feeling, and the offspring of just pride; but it is also founded on the general conviction that, in all its negotiations and relations, with foreign powers, the late and present administrations of the general government have been animated by the purest motives, governed by the soundest principles, and with a single eye to American rights and interests. This spirit, fellow citizens, ought to be

generously fostered; for it is above all price. United at home, we have nothing to fear from abroad.

From the perfidy and injustice of foreign nations, we return, with satisfaction to contemplate the internal resources, the invincible spirit and increasing prosperity of our own state. Without any state tax, our treasury presents abundant means to promote the present and permanent welfare of the commonwealth. In the enjoyment of the rich blessings of independence, freedom, and peace, our population is rapidly multiplying; houses and barns are every where erecting, well planted orchards, highly cultivated fields, and newly cleared lands, every where presenting incontestible evidence of our increase of wealth, strength, and domestic comfort. Bridges are building, and turnpike roads making, to facilitate the intercourse between the various and distant parts of our state.

It is also a cause of much satisfaction to observe, that, in proportion to the difficulty of access to, and commerce with, foreign nations, is the zeal and exertion to supply our wants by home manufactures. Our mills and furnaces are greatly multiplied; new beds of ore have been discovered, and the industry and enterprise of our citizens are turning them to the most useful purposes. Many new and highly valuable manufactories have been established, and we now make in Pennsylvania, various articles of domestic use, for which, two years since, we were wholly dependent upon foreign nations.

We have lately had established in Philadelphia large shot manufactories; floor-cloth manufactories; and a queens' ware pottery, upon an extensive scale. These are all in successful operation, independent of immense quantities of cotton and wool, flax and hemp, leather and iron, which are annually manufactured in our state, and which save to our country the annual export of millions of dollars.

These, fellow citizens, are gratifying subjects upon which to dwell; and it is respectfully and very earnestly recommended to the legislature, to devise means to encourage domestic manufactures; not only because they eminently contribute to national independence, and add to our national resources, and individual wealth; but also, because they are admirably calculated to preserve and perpetuate our republican institutions, by inducing industry and economy, the pillars of a virtuous and peaceable commonwealth. To these considerations, which demand our gratitude to the Supreme Being, it becomes our duty also greatfully to recollect the general prevalence of health; not only through the country; but in those towns most exposed to malignant diseases.

Proceedings had under a law and resolutions of the last General Assembly, make it the duty of the executive to report the final issue of the case of Gideon Olmstead, and others, against the state of Pennsylvania. This case which engaged so large a portion of the anxious attention of the legislature, last session; and upon which their opinion coincided with that which has uniformly been the opinion of all the constituted authorities of the state, for thirty years, under all the modifications of our government, and in all the vicissitudes of party; they have all, as often as the question has been agitated, solemnly protested against the rights of a congressional court of appeal to render null and void the verdict of a jury, fairly impanelled, and conscientiously acting under a law of the state.

The history of this case, involving the rights and property of the state is fully and faithfully recorded in the Journals of the General Assembly; it is therefore not thought necessary, in the present communication, to lay before the representatives of the people, more than that portion of information which completes the history to its final issue.

On the twenty-seventh of February last, the executive communicated to the legislature, that in consequence of proceedings had in the supreme court of the United States, an attachment would be issued against the executrices of the late Mr. Rittenhouse, formerly treasurer of this state, to compel them to pay, to Gideon Olmstead and others, the money which they paid into the state treasury, in obedience to an act passed the second day of April, one thousand eight hundred and three; which act, in the name of this commonwealth, guaranteed "an indemnification to the said executrices from any process whatever, issued out of any federal court, in consequence of their obedience to the provisions of that act."

In that message the executive informed the legislature, that he was making arrangements to call out a portion of the militia; that being the only means in his power to carry into effect the act of the second of April, one thousand eight hundred and three. Orders were accordingly transmitted to the adjutant general, enclosing the appointment of general Michael Bright, and his orders; which were laid before the legislature, March the second, one thousand eight hundred and nine.

On the twenty-fourth day of March, the general stationed a guard at the houses of the executrices. On the twenty-fifth day of March, the marshal of the district was resisted by the militia, and prevented from entering the houses of the executrices.

That officer, afterwards issued notices, calling out a posse comitatus, to assist him in executing this attachment. Previous to the day on which the posse was ordered out, to wit, on the fifteenth day of April, the marshall eluded the vigilance of the guard, and arrested one of the executrices.

A habeas corpus, before the chief justice, was taken out in her name by the attorney general. The chief justice refusing to liberate the body of the executrice.

and ordering her to remain in custody of the marshal; the executive directed the guard to be withdrawn, and the money to be paid.

General Bright, and eight of his men, acting under his orders, were arrested by the marshal, and tried before the circuit court of the United States; and after a deeply interesting trial, the jury were at length induced to bring in a special verdict, which the court considering equivalent to a verdict of guilty, the general and men were sentenced to fine and imprisonment. They were committed to jail, and confined a few days, when the president of the United States liberated them, and remitted the fine.

I cannot, fellow citizens, close this subject, without endeavoring to impress your minds deeply and seriously with its importance, and the dreadful consequences which may flow from the judges of the United States' courts exercising powers, which set at nought the acts of our legislature, the decisions of our judges, and the solemn verdicts of our juries.

If an amendment, providing effectually against this evil, be not made to the constitution of the United States, it is greatly to be feared that the collision of jurisdiction will be productive of the most alarming consequences. Already has it been the cause of much oppression to our citizens in the western parts of Pennsylvania, and very much impeded the settlement and improvement of that country.

The orders issued, and all other papers, connected with this case, and which are believed in any way necessary to its more perfect elucidation, will form the subject of a future message.

The militia of our state presents a noble phalanx of one hundred thousand freemen, animated by the love of country. They would, in the hour of trial, prove themselves to be inspired by the heroic spirit of their fathers. Every motive which nerves the arm

of virtue, combines to make them invincible. The sovereigns and proprietors of a fertile and widely extended country; in the enjoyment of political, civil, and religious freedom—the sons of virtuous old age, and the fathers of hopeful offspring—all that can interest and invigorate the human heart, unite to make our militia the pride and bulwark of their country. We owe it to ourselves, to our children, and to humanity, not to neglect any means to enable our militia to defend and preserve those sublime deposits which are committed to their care. To them we must look, to them the enlightened world must look, as the guardians of all those improvements in political science, which the new world has put into operation, and which she values as the most precious gifts to posterity and to mankind.

But their courage and their patriotism will be inefficient, without the aid of arms and discipline. To the legislature it is submitted to devise means to furnish arms, and to improve the discipline of our militia. The latter cannot be done without they have good officers. To encourage our fellow citizens to accept of commissions, to equip themselves in a soldierly manner, and to act with soldierly pride, it is respectfully suggested, whether it would not be sound policy to declare, by law, after the example of some of our sister states, that he who shall faithfully serve the state for a certain number of years, as a commissioned militia officer, shall in future, be exempt from all militia duty, except in cases of actual service. Should this suggestion be adopted by the legislature, it will naturally occur, how far it would be proper, under certain modifications, to extend it to members of uniformed volunteer companies; artillery, cavalry, and infantry.

In conjunction with a provision of this kind, it is believed that the interests of the militia would be much promoted, by prohibiting resignations, except in cases of disability or other sufficient cause, to be determined

by an appointed tribunal. The frequency of resignations, under the present law, tends equally to increase expense, and prevent discipline.

The incomplete state of the last return of the arms, publick and private, belonging to the militia, has induced an attempt, during the recess of the General Assembly, to ascertain more accurately their number, kind, and condition. It is hoped a prompt attention, on the part of the several brigade-inspectors, to the orders of the adjutant-general, will enable the executive shortly to communicate information on this subject, so very necessary, and therefore so much desired.

The establishment of convenient places of deposit for the arms which are the property of the commonwealth, the appointment of regimental armories, with an adequate salary-officer, in whose care the arms ought to be, and who ought to give security for their complete repair, good order, and delivery, when occasion may require; and the organization of a general department, and some provision to meet expenses to which the funds of some regiments are not adequate; would probably be found both beneficial and economical.

In conformity with the directions of a former legislature, the judges of the supreme court reported, to the last legislature, a list of the statute laws of England that are in force in Pennsylvania. They have also stated their opinion, what part of those statutes ought to be incorporated into our laws.—May I not suggest to you the propriety of directing that those statutes be printed; so that having them before you, such selections and alterations might be made, and enacted into laws, as may be deemed salutary, and congenial with the habits and manners of the people, and our republican institutions? This would be, as it would seem, a completion of the object originally intended to be obtained by the legislature.

The code of our laws has now become voluminous; the numerous alterations in many of our laws and supplements to others, have rendered it a matter of extreme labour and difficulty, to ascertain precisely what the law is on a particular subject, even by professional men; much more so, by the mass of the people who are affected by them. In a government of laws like ours, it is highly desirable that every man should understand the laws by which he is to be governed: Might it not, therefore, be worthy the attention of the legislature, to remedy the evil, and accomplish an object so desirable, by a revision of all our statute laws, and by collecting and bringing into view, in one act, all laws on the same subject?

It is perhaps, not within the compass of the human mind, so to make statute laws, as to supply a remedy for every invasion of right, that must arise from the complicated transactions of an active and enterprising people. Yet every effort ought to be made, to leave as little as possible, to the arbitrary will of any one.— Might it not, therefore, be expedient, from time to time, to reduce to statute, so much, and such parts, of the common law, as experience may have shown, to be salutary, and congenial with our republican government?

In one of our sister states, I am informed, a person is appointed to take down and report to the legislature, cases tried and adjudged in the supreme court. Thus, from time to time, materials are furnished, which enable the legislature to reduce to statute form such parts of the common law, as is thought salutary, and to reject what is deemed inapplicable to our state of society, and the genius of our laws.

Uniformity of decision is also desirable in jurisprudence. Our statute laws, either from ambiguity or from other causes, have been differently construed, by different judges: Hence, what is considered the law in

one circuit, is not so considered in another.—This evil might be remedied, by either amending the law, where it is of doubtful construction, or by sanctioning that construction which appears the most just and equitable.

It is matter for mutual congratulation, that in the judiciary department of the government, there is less complaint than there has been for many years. The system of arbitration appears to meet the approbation of a very large majority of the people. Its magnitude and novelty put it, in a peculiar manner, under the care of the legislature. The law of last session, establishing compulsory arbitration, has been extensively acted upon, and has proved extensively salutary.

Permit me, in proof of this position, to state, that out of one hundred and thirty reports made under that law, and delivered into the office of the prothonotary of Lancaster county, there have not been more than ten appeals.

The legislature, bringing with them the experience of every part of the commonwealth, and publick opinion, must be aware of the defects in the law, and will cheerfully and speedily apply the remedies.—There is one suggestion, applicable to all our laws on arbitration, which deserves consideration, as it is by many thought it would tend to perpetuate the system, and establish justice, by enacting that the award of arbitrators shall, on appeal, be equal in effect, and as much a lien upon the real estate of the party against whom it shall be given, as the verdict of a jury, in similar circumstances.

The criminal code of Pennsylvania, justly celebrated for its mildness and efficiency; yet authorizes the punishment of death. The happy effects which are acknowledged to have resulted, from the abolition of publick and shameful punishments, would warrant an experiment to ascertain, how far the abolition of the

punishment of death would be attended with like beneficial consequences to society.

The habits, manners, and religious opinions, of a very respectable number of our citizens, make them recoil from being in any wise instrumental in bringing to the bar of justice, testifying against, or convicting a fellow-being; when they know that the consequence of that conviction is to be, the death of the offender. These considerations multiply very much the chances of escaping, after the perpetration of the most cold-blooded, malicious, and unprovoked murder; and act, therefore, rather as incentives to provoke, than as curbs to restrain, the most ferocious passions of the human heart.

Whether the substitution of imprisonment during life, or any other punishment would be productive of less evil to society, than the punishment of death, is a question meriting the attention of humane and enlightened legislators, though, on the one hand, both opinion and feeling prompt a hope for an amelioration of our penal code, so far as respects the punishment of death; for, of all duties which becomes the executive to perform, I can, from experience say, that that of announcing to a fellow-being, the day, the hour, on which he shall cease to exist, is the most painful and distressing: Yet, on the other hand, I conceive it my duty to suggest the necessity of revising the laws for the suppression of vice and immorality, and strengthening the arm of the magistrate.

The seat of government has, of late years, repeatedly exhibited, at publick races, scenes of dissipation, idleness, disorder, and almost every species of vice, highly dishonorable, and radically destructive to the morals of the citizens. Your wisdom will provide an appropriate remedy.

Moral virtue consists in a knowledge of duty, and a conformity of will and action to that knowledge.

Political virtue, in a republick, bottomed on moral rectitude; consists in a love of the republick and esteem for its institutions. Hence the immense importance of a system of education. Can a man be morally or politically virtuous, who is ignorant of the value of the first, and understands not the principles of, nor knows the duties which the latter enjoins?

To establish, therefore, a system of education, calculated to diffuse general instruction, is at once of primary importance, in both a moral and political point of view; affording the strongest bulwarks against the subversion of good morals, and sound political principles. The importance of education is still more enhanced, by the consideration that, in a republican or representative government, every citizen may be called upon to assist in the enactment, or execution, of the laws of his country; and will hence necessarily engage your attention.

Such has been the press of business in the land-offices, during the recess of the legislature, that notwithstanding the most indefatigable attention, and exertions of the officers, even that portion of the business, preparatory to making out the patents, could scarcely be transacted, and not without unavoidable inconvenience to the applicants. Much of the business which was commenced, before the first day of September, remains yet in an unfinished state. Many were ignorant of the law; and therefore could not comply with its provisions. Some, who applied, were prevented from embracing its advantages, for want of vouchers which ought to have been filed in the office of the surveyor-general.

For these reasons, and because, if all had applied whose interest it was to avail themselves of the provisions of the law, experience convinces, that two-thirds, perhaps more, of them must have been disappointed; I would submit to the legislature the propriety of a

further extension of the time of patenting lands; for the benefit of, as well those who had the disposition to comply with its requisitions, but were prevented by any of the causes aforesaid, as of those who may have the disposition to patent their land in a reasonable time.

A provision also, authorizing the receipt, by the state-treasurer, of the principal and interest due by mortgagors, at any time after the execution of the mortgage, when a tender may be made, would prove beneficial to the state, and very agreeable to many, who were compelled to have recourse to the disagreeable expedient of mortgaging their lands to the state.

Permit me to bring to your notice one other subject. The charter of the Pennsylvania bank, will expire in about three years. As the state has a large interest in that institution, it cannot be deemed premature for the legislature to turn their attention thereto. It is also of importance to the private stockholders to know, some time previously to the expiration of the charter, the intention of the legislature on that subject.

In discharge of duties enjoined on the executive, there has been vested, under the act of the fourth of April, one thousand eight hundred and five, and the first of March, one thousand eight hundred and six, a sum of thirty-five thousand eight hundred dollars, in stock of the Philadelphia bank, at par; which fills the subscription to which the state was entitled, in that institution. Under the act of the fourth of March, one thousand eight hundred and seven, stock of various descriptions was purchased, to the amount of forty-six thousand seven hundred and nine dollars, and seventy-one cents; and, agreeably to the act, entitled, "An act for the improvement of the state," I have subscribed for six hundred shares of the stock of the Centre turnpike company, and have paid on account thereof twelve thousand three hundred and twenty-eight dollars; that

being the proportioned sum to the extent of the road finished and licensed.

The department of accounts will exhibit to you a detailed statement of our finances; from which you will perceive, that they are more than adequate to the expenses of the current year. The act for encouraging the patenting of lands, has brought into the treasury, two hundred and sixty-four thousand seven hundred and five dollars and ninety-two cents, since the eleventh day of May last. A large sum is yet to be derived from that source; but, as that must annually diminish, it might be prudent to vest, in productive funds, the surplus that remains after the appropriations to meet the expenses of the current year, and for necessary improvements, are made.

By prudence and economy, not inconsistent with a liberal policy, a permanent annual revenue may be insured, adequate to all the ordinary expenses of government, and every needful internal improvement, without imposing any taxes on the people, for those purposes.

In the execution of the various and important trusts committed to the legislature, I promise a faithful co-operation in all measures promotive of the publick good.

SIMON SNYDER.

Lancaster, December 7, 1809.

To the Assembly transmitting a certain act of the
Legislature of New Jersey.

Fellow Citizens:

IN COMPLIANCE WITH THE REQUEST OF HIS excellency, Joseph Bloomfield, esquire, governor of the state of New-Jersey, I herewith transmit a copy of an act of the legislature of that state, entitled

"An act supplementary to the act, entitled An act to regulate the fisheries in the river Delaware, and for other purposes," together with a copy of his excellency's letter.

SIMON SNYDER.

Lancaster, December 11, 1809.

Letter Accompanying the Message.

State of New Jersey,
Trenton, 6th December, 1809.

Sir:

Conformably to the directions of the legislature of the state of New Jersey, I herewith transmit an attested copy of a law, entitled "An act supplementary to the act, entitled 'An act to regulate the fisheries in the river Delaware, and for other purposes;'" passed November the twenty-sixth, one thousand eight hundred and eight; and which your excellency will be pleased to lay before the legislature of the commonwealth of Pennsylvania.

I have the honor to be,

Your excellency's

Most obedient servant,

[Signed] Joseph Bloomfield.

His excellency,

Governor Snyder.

To the Assembly transmitting a resolution of the Legislature of Massachusetts proposing an alteration to the Federal Constitution.

Fellow Citizens:

A GREEABLY TO A REQUEST CONTAINED IN A letter from his excellency, C. Gore, esquire, governor of Massachusetts, I herewith transmit a copy of a resolution of the legislature of that state, pro-
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posing an alteration to the constitution of the United States; together with a copy of his excellency's letter.

SIMON SNYDER.

Lancaster, December 12, 1809.

Commonwealth of Massachusetts.

"In the House of Representatives, June 16, 1809.

"Resolved, That the senators of this commonwealth, in the Congress of the United States, be instructed, and the representatives thereof requested, to use their best endeavours to cause the following article to be proposed, by the two houses of Congress, to the legislatures of the several states, as an amendment of the constitution of the United States, that is to say: No law shall be enacted for laying an embargo, or for prohibiting or suspending commerce for a longer period, than until the expiration of thirty days from the commencement of the session of congress next succeeding that session in which such laws shall have been enacted.

"Be it further Resolved, That his excellency, the governor, be requested to transmit to each of the senators and representatives, from this commonwealth in congress, an attested copy of this resolution.

"And be it further Resolved, That his excellency, the governor, be requested to inform the chief magistrates, of the several states in the union, of the doings of this legislature respecting the subject, and request them to communicate the same to the legislatures of the several states.

"Boston, June 21, 1809.

"Sir:

"In compliance with the request of the legislature of this commonwealth, I have the honor to transmit to your excellency, herewith enclosed, a copy of their resolution proposing an amendment of the constitution

of the United States, with a desire, that the same may be communicated to the legislature of your state.

"I am, Sir,

"With perfect respect,

"Your excellency's

"Very obedient servant,

[Signed] C. Gore.

"His excellency, the governor of
the State of Pennsylvania."

To the Assembly transmitting the documents relative to the case of Gideon Olmstead and others vs. the executrixes of David Rittenhouse.

Fellow Citizens:

FOR THE FURTHER INFORMATION OF THE members of the legislature, I herewith transmit copies of all the documents relative to the case of Gideon Olmstead and others, vs. the executrices of David Rittenhouse, esquire, deceased, except such as already appear on their Journal.

SIMON SNYDER.

Lancaster, December 16, 1809.

Documents Referred to in the Message.

Philadelphia, February 24, 1809.

Sir:

I have the honor to enclose a copy of a note I have received to-day from Mr. Ingersoll, who has just returned from Washington. You will perceive, that it relates to the case, which is the subject of the act of the second of April, one thousand eight hundred and three, and which is now brought to a point, where the interposition of the state becomes necessary "to protect the persons and property of Elizabeth Sergeant and

Esther Waters from the process of a federal court." On their behalf, and by their request, I make this communication; confident that your excellency will take the proper steps to carry into effect the provisions of the act, and secure them from the danger, to which they are exposed by obeying its "requisitions."

With great respect,

I have the honor to be,

Your excellency's humble servant,

[Signed] John Sergeant.

The governor of Pennsylvania.

Dear Sir:

The supreme court has ordered that a preemptory mandamus issue in the suit of Gideon Olmstead and others vs. Mrs. Sergeant and Mrs. Waters, executrices of Mr. Rittenhouse.

I presume immediate application will be made to judge Peters, for an execution against the persons and effects of Mrs. Sergeant and Mrs. Waters, or rather, as it is an admiralty proceeding, an attachment against their persons will be the compulsory process adopted on the occasion. I saw the plaintiff at the court in Washington, on Monday last, and he may be expected to arrive here this day with the mandate from the supreme court.

The business is now brought to a crisis. The state is bound not only to indemnify, but to interpose between the defendants, and the execution or attachment: Immediate notice should be given to the governor. As the legislature is now in session, no time ought to be lost in taking measures to preserve the faith of the state, upon the pledge of which, the property in question was delivered to the governor.

Sincerely yours,

[Signed] Jared Ingersoll.

February 24, 1800.

John Sergeant, Esq.

Philadelphia, March 24, 1809.

Sir:

On my arrival in the city, I discovered a writ would issue against Mrs. Sergeant and Mrs. Waters, this day (which has issued) in consequence of which it became my duty to call into service a part of the legion for their protection; consisting of two non-commissioned officers and twelve privates—which of course will be relieved daily, until further orders from the executive. As no provision has been made by law, for providing for those troops, it would be necessary that you point out some mode, by which I may proceed for their support—For further particulars I refer you to the bearer, Mr. Walter Franklin, requesting your answer on the subject as speedy as possible.

I have the honor to be,

With the greatest respect,

Your obedient humble servant,

[Signed] Michl. Bright, Brigadier Gen'l.

Nathaniel B. Boileau, Esq.,

Secretary of the commonwealth.

Philadelphia, March 25, 1809.

Dear Sir:

When I wrote to you last evening, I had no idea, the marshal would have attempted to execute his writ; but this day he came with his officers in due form, which was resisted by the guard, at the point of the bayonet. This subject has created much alarm in this city; owing to misinformation. There has been much interest made here by a particular sect, to prejudice the minds of the people against the measure—I am sorry to say, that it has too much prevailed.—There has, in consequence thereof, several companies absolutely refused to serve their tour of duty; a due return of which you will

receive. In fact, it has been with the utmost difficulty I could get men to serve. Knowing, as you well must, the unprepared state of our militia. I have issued my orders this day to colonel John Steele, for the purpose of enforcing your orders; but have my doubts whether he will be able to command a competent force to answer our purpose: Our situation is delicate—The marshall has noted our men, with a determination to have them indicted for high treason, as well as myself. Where the business will end, I know not, but, disagreeable as the service is to me, I shall at all times be ready to execute any orders, which I may receive on this subject, relying on the support of the executive of this state.

I have the honour to be,

With respect,

Your obedient servant,

[Signed] Michl. Bright, Brig. Gen.

Nathaniel B. Boileau, esq.

Secretary's Office, March 29, 1809.

Sir:

The governor directs me to express to you, his full and high approbation of your conduct, and the great satisfaction he feels in having appointed a man, who has so ably executed the orders which he has given, and that he relies with confidence on your future exertions to support the rights of the state to the utmost of your power, under circumstances so unpleasant and embarrassing—I am further instructed to assure you, and those under your command, that nothing in his power shall be wanting to remunerate you and them, for your services, and a complete indemnification for all expenses which may occur. By his order, I enclose you a check for one thousand dollars, on account, to defray the expenses of the guards, that you have employed, and that further remittances will be made as

exigencies may require. He conceives, that the original orders you have received, are sufficient to justify you, in taking any measure you may conceive necessary and expedient to protect the ladies from arrest, until he receives an answer from the president of the United States, which is hourly expected.

I am sir, with respect,

Your obedient servant,

[Signed] N. B. Boileau, Sec'y.

General Michael Bright.

Philadelphia, March 31, 1809.

Sir:

Your's of the twenty-ninth instant, came safe to hand, by which I am happy to find the governor is pleased with my conduct in the execution of his orders committed to me for the purpose of protecting the persons and property of Elizabeth Sergeant and Esther Waters. But, the subject has caused much sensation in this city, owing to a certain class of people, who are endeavouring to draw the citizens from the cause. In my last, I informed you of several companies of the legion having actually refused to obey my orders; in consequence of which, it is with difficulty we can get a sufficient number of troops to relieve; owing to many of the members of the legion being naturalized citizens, who are led to believe, that the oath by them taken, was to support the constitution of the United States, and not that of the state of Pennsylvania. A list of whose names will be forwarded in due time, for the information of the governor.

I have just learned from good authority, that the marshal is serving summonses on the citizens of this state, for the purpose of raising a posse to assist him in the execution of the duties of his office, and that it is

his determination to make another attempt, but we shall be on the alert to resist him. If unpleasant circumstances occur, it will rest with him.

Mrs. Sergeant and Mrs. Waters have become tired of their confinement, and have expressed, that they will not bear it any longer, let the consequence be what it may.

Should any thing new occur, I shall immediately inform you of it; and believe me ever ready to execute the orders of the governor.

I am with respect,

Your obedient humble servant,

[Signed] Michael Bright.

Nathaniel B. Boileau, esq.

Philadelphia, April 5, 1809.

Sir:

The daughters and representatives of Mr. Rittenhouse have, with respectful, but anxious, silence, attended to the proceedings of the executive and legislative departments of the government of Pennsylvania, in the hopes of a result that would effectually afford the promised indemnity and protection, for their compliance with the terms of the act of one thousand eight hundred and three. Till this day, they have seen nothing but measures which made them prisoners in their own houses, under a military guard; which have excited (though surely without design) disorder and tumult in their neighbourhood; and which have exposed them to personal mortifications, more severe than any thing that a second payment of the sum in dispute, or a submission to the process of the marshal could have inflicted. It was their sense of the legislative engagement, when they complied with the terms of the act of one thousand eight hundred and three, that whatever conflict might arise on the question of right, between the state and the union, they should be indemnified

as a point of honor, from every pecuniary responsibility or personal suffering.

Under the impression of these sentiments, it is some consolation for the family of Mr. Rittenhouse, at last to see, that a provision has been made by the legislature, which authorizes, sir, "to carry into effect, all and every engagement of the commonwealth touching the premises, in such manner as may appear to you to be advisable, just and proper." It is an engagement of the commonwealth, that the representatives of Mr. Rittenhouse, and their property shall be protected; or, in other words, that they shall be indemnified, for a compliance with the act of one thousand eight hundred and three. And it is now submitted, at their request, to your candor, whether it can be deemed advisable, just and proper, nay possible, to carry into effect that engagement, in a manner, which shall expose them to imprisonment, riot, affliction and alarm.

The daughters of Mr. Rittenhouse mean not to impair, nor to question the rights of the state, in making this representation; but they mean respectfully to assert their own right to a fair a perfect protection, in liberty and property, under the faith of the legislative promise. The state, they are confident, possesses other means to assert and maintain its own rights, than by making them the victims of the contest.

On behalf, therefore, of the representatives of Mr. Rittenhouse, permit me, sir, to entreat an early execution of the act of the General Assembly, by carrying into effect the engagement of the commonwealth with them, in such manner as may appear to you to be advisable, just and proper.

With great respect,

I have the honor to be,

Your excellency's humble servant,

[Signed] John Sergeant.

The Governor of Pennsylvania.

Lancaster, April 7, 1809.

To the President of the United States.

Sir:

In discharge of a legislative injunction, I transmit to you the proceedings of the General Assembly, on the long litigated case of Gideon Olmstead and others, versus Elizabeth Sergeant and Esther Waters, executrices of David Rittenhouse, deceased, late treasurer of Pennsylvania—Believing it will tend to a more perfect understanding of the subject, I take the liberty of enclosing a copy of an act of the General Assembly, relative thereto, and also beg leave to refer you to two other acts, passed the first of February, one thousand eight hundred and one, and the second of April, one thousand eight hundred and three.

While I deeply deplore the circumstance which has led to this correspondence, I am consoled with the pleasing idea that the chief magistracy of the union is confided to a man, who merits, and who possesses so great a portion of the esteem and confidence of a vast majority of the citizens of the United States—who is so intimately acquainted with the principles of the federal constitution—and who is no less disposed to protect the sovereignty and independence of the several states, as guaranteed to them, than to defend the rights and legitimate powers of the general government—who will justly discriminate between the opposition to the constitution and laws of the United States, and that resisting the decree of a judge, founded, as it is conceived, in an usurpation of power and jurisdiction, not delegated to him by either, and who is equally solicitous with myself, to preserve the union of the states, and to adjust the present unhappy collision of the two governments, in such a manner as will be equally honorable to them both.

Permit me to add, in addition to the act I have done, as chief magistrate of the state of Pennsylvania, to assure you, sir, as an individual, of my full confidence in the wisdom, justice and integrity of the present administration of the general government, and my fixed determination, in my publick as well as my private capacity to support it in all constitutional measures it may adopt.

With the highest consideration,

I am, sir,

Your obedient servant.

SIMON SNYDER.

Secretary's Office, April 7th, 1809.

Sir:

The governor has informed me, that he received a letter from you last evening, touching the case of Olmstead, and has instructed me to inform you, that although the law may appear to vest in him a discretionary power, he thinks, under existing circumstances, it would be premature in him at this time, to exercise that discretion in the manner you have hinted at in your letter. The case has been communicated to the president of the United States, which, he presumes, will be by him laid before Congress, immediately on their meeting in May next: and no unforeseen difficulties having arisen in protecting the just rights of the state, since the adjournment of the legislature, he deems it inexpedient to take any other measures than those he has already adopted; of the incorrectness of which, he is not yet convinced. While he feels most sensibly for the situation, under which circumstances have placed the ladies, he is not insensible to the importance of the trust confided to him, as the chief executive of the state of Pennsylvania, in the defence of its sovereignty and independence,

The ladies may rest assured, the governor feels no disposition to impose any restrictions or privations on them, save such as he is compelled to do, by a strong sense of duty.

I am, sir,

Your obedient servant,

[Signed] N. B. Boileau, Sec'y.

John Sergeant, esq.

Lancaster, April 8th, 1809.

Sir:

I have just now had a conversation with the governor, and he has authorized me to direct you, that in case M. Bright, or any of his men are arrested, you should immediately apply to the chief justice for a habeas corpus to have him or them liberated—that you should also employ counsel to assist you, if you thought proper—also, that if the ladies were arrested, you should immediately make a similar application to the chief justice in their behalf. In the meantime, should your application fail, arrangements will be made to pay the money. If you should succeed, then it is hoped, that the just rights of the state will still be preserved.

I am, sir,

With high respect and esteem,

Your obedient servant,

[Signed] N. B. Boileau, Sec'y.

Walter Franklin, esq.

Pennsylvania.

Lancaster, April 10th, 1809.

Sir:

I have it in charge to transmit to you the proceedings of the legislature of this state, in a special case, and a resolution involving a general principle of the deepest interest to the several states composing the Union, in their local sovereign capacities, and proposing

an amendment to the constitution of the United States, to prevent in future collision of power, such as for thirty years past, partially disturbed the harmony, which ought to subsist between the general government and its component parts.

Permit me to join the legislature in their wish, that the same may be laid before the legislature of Virginia, for their concurrence and adoption.

I have the honor to be,
With great respect,
Your obedient servant,

SIMON SNYDER.

His excellency, the Governor
of the state of Virginia.

Note....The foregoing letter is a copy sent to each state composing the Union.

Lancaster, April 11th, 1809.

Sir:

I am instructed by the governor to authorize you, inasmuch as it is impossible for him at this distance from you, to give directions how you are to proceed in every case that may arise, and which may require dispatch, to do in all cases generally, as in your judgment ought to be done to protect the just rights of the state, and from time to time acquaint him of your proceedings.

It has been stated to the governor, that the marshal had gotten into the house of Mrs. Sergeant. It is submitted to you to enquire, in what manner he got in; whether the door was open or shut—whether he lifted the latch, or turned, or forced the bolt of the door—in fine, whether his proceedings in the case have not been such, as to make him liable for a misdemeanor. I have only to add, that the governor confides in your talents and vigilance in protecting and defending the

just rights of the state, to the utmost of your power.

I have the honor to be, sir,

Your obedient servant,

[Signed] N. B. Boileau, Sec'ry.

Walter Franklin, esq.

Washington, April 15th, 1809.

Sir:

I have received your letter of the sixth instant, accompanied by certain acts of the legislature of Pennsylvania, which will be laid before congress, according to the desire expressed.

Considering our respective relations, to the subject of these communications, it would be unnecessary, if not improper, to enter into any examinations of some of the questions connected with it.—It is sufficient, in the actual posture of the case, to remark, that the executive of the United States, is not only unauthorized to prevent the execution of a decree sanctioned by the supreme court of the United States, but is expressly enjoined by statute, to carry into effect any such decree, where opposition may be made to it. It is a propitious circumstance, therefore, that whilst no legal discretion lies with the executive of the United States to decline steps, which might lead to a very painful issue. A provision has been made by the legislative act, transmitted by you, adequate to a removal of the existing difficulty. And I feel great pleasure in assuring myself, that the authority which it gives, will be exercised in a spirit corresponding with the patriotick character of the state over which you preside.

Be pleased, sir, to accept assurances of my respectful consideration.

[Signed] James Madison.

His excellency Governor Snyder.

Philadelphia, April 13, 1809.

Dear Sir:

You no doubt have heard the turn which our affairs have taken. Myself and the guard who opposed the marshal, were arrested on Friday last, and compelled to give security for our appearance on Tuesday, when the court meet: Mr. Dallas informed me, we might withdraw until called for; since which the grand jury have found bills against us, and we are to stand trial on Monday next. From the complexion of the jury, summoned we have little to expect: As for myself, the event I disregard; but the poor fellows implicated with me, I feel for, they being poor, and have families to provide for. The grand jury finding bills against us, has damped the spirits of the militia of this district, owing to their being liable to prosecution.

I am fearful we shall not be able to continue our guard after this week, as the marshal has issued his summons to the citizens to meet him on Tuesday next at ten o'clock, for the purpose of assisting him to subdue the armed force which has opposed him in the duty of office.—The mode he has adopted is much against us, as he has been particularly careful to serve the notices on the very persons, on whom we have to place our whole dependence. His notices already served amount to four thousand, how many of which will obey, I cannot tell, but his measures are well thought of by some.—It will be necessary to appoint a paymaster here, for the purpose of advancing money to some of the troops, who have been on duty, and who may come on; as they say, they cannot do duty and suffer their families to starve; they expenses will be great. I wish the business could be settled, provided it could be done with honor to the state. Mrs. Sergeant and Mrs. Waters say, that unless the money is paid in a day or two, they are determined to go to Lancaster, and there

wait the event—which would be very disagreeable to you.

Accept, sir, of my best wishes for yourself and family, and believe me sincerely,

Your obedient humble servant,

[Signed] Michael Bright.

Simon Snyder, esq.,
Governor of Pennsylvania.

P. S. I have just received a note from General Steele, stating that the legion are tired of service, and insist that the general militia ought to take their part of duty—It will be difficult to get force from the general militia. I wish you would write to General Steele and Major Rush on the subject, requesting them to inspire the men.

Evening Report.

Headquarters, April 14, 1809.

Between the hours of eight and nine o'clock, a riot took place in the front of the house of Mrs. Sergeant; on account of which the commanding officer of the detachment of men, (militia) who were then on guard, and finding that there were not sufficient for to silence the riot, ordered out the rest, who were in the barracks, for to proceed and assist in quelling the riot—after which the detachment was divided into two divisions—the first under the command of myself, the second under the command of lieutenant Bartling; the first stationed in Arch, the second in Seventh streets.

Note—Mr. Sergeant came to the house of Mrs. Sergeant, I being present—He came up to me and informed me, that some person or persons were in the yard, immediately after which I ordered a file of men, in order to search the yard—On entering the yard I met Mrs. Sergeant, and observed a lady standing in a door which has communication to the yard. The expression she

made use of was, that "she wished that the marshal would take me and the whole of the guards, and put us in jail." Disregarding her language, I immediately placed two sentinels in the yard—a short time after which, a Mr. Sergeant came and requested that I would withdraw the sentinels, pledging at the same time his honor, that he would keep close doors, and let no one in, on account of which, I withdrew the centinels.

[Signed] Charl. W. Westphal,

Adjutant, 25th regiment, Pennsylvania militia.

Morning Report.

Headquarters, April 15, 1809.

From the time the reveille was beat, twenty minutes past four, nothing of consequence occurred; about half past six information was received by Mr. Sergeant, that the marshal of the United States, and for the district of Pennsylvania, had entered the house of Mrs. Sergeant, by a communication from Cherry alley.

[Signed] Charl. W. Westphal,

Adjutant, 25th regiment, Pennsylvania militia.

Philadelphia, April 15, 1809.

Sir:

I have the honor to inform you, that after several ineffectual attempts, the marshal of the district of Pennsylvania at length succeeded this morning in gaining admittance into the house of Mrs. Sergeant, and arresting her, under the process issued from the district court, at the suit of Gideon Olmstead and others. Mrs. Sergeant is, in consequence of this arrest, now in the custody of the marshal.

I take the earliest opportunity of apprising your excellency of this occurrence, that you may take such

measures, as may seem advisable and just for the interest of the state, and the relief of the individuals.

With great respect,

I have the honor to be,

Your excellency's humble servant,

[Signed] John Sergeant.

The Governor of Pennsylvania.

Philadelphia, April 15, 1809.

Dear Sir:

Be pleased to inform the governor, that in consequence of the arrest of Mrs. Sergeant, an application has been made for a habeas corpus, which we expect will be returnable on Monday morning at nine o'clock, before the chief justice—You may rely on my best exertions to obtain a favourable result.

I am decidedly of opinion, that the occurrence will justify the governor in ordering the guard to be withdrawn, and in case of an unfavorable decision, in paying the money. The order for calling out the posse is withdrawn.

Your's respectfully, in haste.

[Signed] W. Franklin.

N. B. Boileau, esq.

Head Quarters,

Lancaster, April 16, 1809.

Sir:

Having been authentically informed, that the marshal of the district of Pennsylvania, has found means to serve the process awarded by the district court, upon Mrs. Sergeant, one of the executrices of David Rittenhouse, deceased, formerly state treasurer of the commonwealth: I therefore direct you, to withdraw the guard, heretofore ordered by me for the protection of the persons and property of the said executrices—and

that you furnish your muster and pay-rolls as soon as possible for adjustment.

SIMON SNYDER.

Governor of the Commonwealth of Pennsylvania.
To General M. Bright.

Secretary's Office, April 17, 1809.

Sir:

The marshal having arrested Mrs. Sergeant, I am directed by the governor to instruct you, that in case you fail in liberating the executrices by habeas corpus, which you have been directed to apply for, to the chief justice of the commonwealth; that you are authorized by him to give such assurances, as may be required, that as soon as the demand against the executrices of David Rittenhouse, late state treasurer, deceased, is legally ascertained, that he will discharge the same.

[Signed] N. B. Boileau, Secretary.

Walter Franklin, esq.

Lancaster, April 23, 1809.

Sir:

That one of the marshal's officers should be continued in the house of Mrs. Sergeant, for the safekeeping of her person, after the assurance given by the secretary of the commonwealth, that the money should be paid, so soon as the amount decreed to be due to Gideon Olmstead was ascertained, is matter of surprise and deep regret to me. I would ask, is it fair to doubt my candor on a point involving the honor of the state?

No specific directions relative to the duties imposed on me by the act of the fourth of April, one thousand eight hundred and nine, being given for my guide—the account must therefore be settled in the usual manner by the accountant officers, before a warrant can issue for the money—this requires some time, and the unexpected absence of the comptroller general, (of which

I am just informed,) may cause an additional delay. Mr. Findlay is also absent, but he returns on Wednesday. If no unforeseen difficulty arises, the business can be concluded before the end of the week. Anxious to bring this unpleasant business to a close, I shall, as soon as the warrant is made out, send it by a trusty person to Philadelphia, to be endorsed by Mrs. Sergeant and Mrs. Waters, as a voucher for the treasurer, and on delivering up the bond given by my predecessor, with a full acquittance thereon, signed by the ladies as a voucher for me, the money will be paid. In the meantime I hope the restraint on Mrs. Sergeant will be removed. I think this mode preferable, to asking the ladies to send a duly authorized agent to this place, which has been suggested; it will save them trouble and expedite the business.

If any difficulty should arise with the accountant officers respecting the commissions charged in the bill of costs, which I cannot perfectly understand, I hope that may not prove an obstacle to relieving the ladies. It is not ascertained that there will be any difficulty about that item, for I have not seen them.

SIMON SNYDER.

W. Franklin.

Lancaster, 24th April, 1809.

Dear Sir:

The account you sent me, not being legally authenticated, and no copy of the judgment rendered, in the case of Olmstead being furnished, formed an objection on the part of the accountant officers to passing the account in the usual manner.

To procure authentic vouchers would cause delay, and protract the release of Mrs. Sergeant from unmerited personal suffering. To remove all pretext for its longer continuance, I have drawn an order for fourteen thousand three hundred and seventy-eight dollars and

seventy-five cents—that being the amount of principal and interest adjudged to be due Olmstead, including two hundred and thirteen dollars and seventy-five cents for costs and commissions.

Mr. M'Elwee, whom I send for the purpose, takes with him the warrant, and will see that it is endorsed by the ladies; he takes with him also the treasurer's check for the money. On the subject of the bond of indemnity, I have written to you by last mail. You will see the necessity of that instrument's being delivered up, with a full acquittance endorsed thereon, signed by the ladies, before the money is paid. You will also perceive the necessity of a copy of the decree favouring Olmstead, and an account of the sum due, and bill of costs being forwarded, all duly authenticated. These vouchers are absolutely necessary.

Sincerely your's, &c.;

SIMON SNYDER.

Walter Franklin, esq.,
Attorney-general.

Philadelphia, 26th April, 1809.

Dear Sir:

I received your excellency's favor of the twenty-fourth by M'Elwee, yesterday afternoon, and a few minutes after, the post-man presented me that of the twenty-third instant.

I felt much mortified that the marshal should continue an officer in the house of Mrs. Sergeant, after the assurance which I made to him by your authority, and he then expressed his intention to remove him immediately. But, I believe, he was afterwards deterred from carrying this intention into effect, by the conduct of Lewis. The officer, however, was one of the family of Mrs. Sergeant, specially deputed; she therefore could not sustain much inconvenience from the circumstance.

In obedience to your excellency's directions, I called last evening with M'Elwee on Mrs. Sergeant, for the purpose of making a settlement of this business, but the bond of indemnity not being in the house, the matter was postponed until this morning, when the money was paid, and the bond taken up, with a release properly endorsed, and is now enclosed. I have called on the clerk of the circuit court, for the purpose of obtaining an authenticated copy of the decree, process, &c. He informs that he will make them out, as soon as he can; but that it will take two or three days. I hope to have them ready by the time Mr. Boileau arrives, and will send them on by him. I have sent your excellency a pamphlet, containing the proceedings on the habeas corpus, before chief justice Tilghman. It contains as accurate an account of the argument, &c. as could be taken without assistance of short-hand writing. The trial of general Bright, and his associates is fixed for Friday next.

With sentiments of the most sincere attachment,
 I remain your excellency's friend and servant,
 [Signed] W. Franklin.
 His excellency Simon Snyder, esq.

In the district court of the United States, in and for the district of Pennsylvania:

Gideon Olmstead, Artimus White, Aquilla Rumsdale,
 and David Clarke,

versus

Elizabeth Sergeant and Esther Waters, surviving executrices of David Rittenhouse, esquire, deceased.

I acknowledge that the libellants have received satisfaction of this decree by payment of the amount and of the costs of court.

[Signed] Richard Peters, jun.
 For the libellants—November 24th, 1809.

N. B.—Right to claim costs of summoning the posse by the marshal not waived.

[Signed] Richard Peters, jun.

United States, District of Pennsylvania, set.:



I CERTIFY the foregoing to be a true and faithful copy of the entry of satisfaction made upon the record of the decree of the above cause—In testimony whereof, I have

hereunto subscribed my name and affixed the seal of the said court, at Philadelphia, this twenty-fourth day of November, Anno Domini, one thousand eight hundred and nine, and in the thirty-fourth year of the independence of the said United States.

[Signed] D. Caldwell, clk. dist. ct.

In the district court of the United States, in and for the district of Pennsylvania:

Gideon Olmstead, Artimus White, Aquilla Rumsdale,
and David Clarke,

versus

Elizabeth Sergeant and Esther Waters, surviving executrices of David Rittenhouse, esquire, deceased.

By virtue of the within writ, I arrested the body of Elizabeth Sergeant, one of the respondents, who paid into my hands the sum of fourteen thousand three hundred and seventy-eight dollars and seventy-five cents debt, interest, and costs in this case. Which debt and interest, amounting to fourteen thousand one hundred and seventy-five dollars, I have paid over to Gideon Olmstead, for the libellants in this case, and have delivered up to the said respondents the bond of indemnity referred to in this writ.

So answers

[Signed] John Smith, marshal.

United States, District of Pennsylvania, set.



I CERTIFY the foregoing to be a true and faithful copy of the return made by the marshal, to the writ of arrest issued in the above cause. In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the said court, at Philadelphia, this twenty-fourth day of November, Anno Domini, one thousand eight hundred and nine, and in the thirty-fourth year of the independence of the said United States.

[Signed] D. Caldwell, clk. dist. ct.

To the Assembly transmitting a resolution of the Legislature of New Hampshire disapproving of an amendment to the Federal Constitution proposed by the Legislature of Pennsylvania.

Fellow Citizens:

I HEREWITH TRANSMIT A COPY OF A RESOLUTION of the legislature of New Hampshire, disapproving of an amendment to the constitution of the United States, proposed by the legislature of this commonwealth, at their last session, and by me transmitted to his excellency the governor of the state aforesaid. A copy of his excellency's letter is also transmitted.

SIMON SNYDER.

Lancaster, December 19, 1809.

State of New Hampshire.

"In Senate, June 28, 1809.

"Whereas, a resolution of the legislature of Pennsylvania, proposing an amendment to the constitution of the United States, with a view to establish a more impartial tribunal, to determine disputes between the

general and state governments, has been transmitted by his excellency the governor of Pennsylvania, to his excellency the governor of this state, and by him communicated to the legislature. And Whereas, the resolution before mentioned, together with the proceedings of the legislature of Pennsylvania, with reference to the case of Gideon Olmstead, has been referred to a joint committee of the two branches of the legislature of this state—which committee has reported in substance, That it is not expedient to concur, or adopt the amendment to the constitution of the United States, as proposed by the resolution aforesaid—which report has been accepted by both branches of the legislature.

“Therefore,

“Resolved, That his excellency the governor be, and hereby is requested to communicate the foregoing result to his excellency the governor of Pennsylvania.

“Sent down for concurrence.

“[Signed] Abiel Foster, Clerk.”

To the Assembly transmitting copies of resolutions of the Legislature of Vermont disapproving of an amendment to the Federal Constitution proposed by the Legislature of Virginia, another proposed by the Legislature of Pennsylvania, and a third proposed by the Legislature of Massachusetts.

Fellow Citizens:

I HEREWITH TRANSMIT TO THE LEGISLATURE copies of certain resolutions of the General Assembly of the state of Vermont, passed in their last session, disapproving of the amendment to the constitution of the United States, proposed by the legislature of the state of Virginia, on the thirteenth

day of January, one thousand eight hundred and eight, also one proposed by the legislature of this state, on the third day of April last; and another proposed by the legislature of the state of Massachusetts, on the twentieth day of June, in the present year. Copies of governor Galusha's letters enclosing the same, are also herewith transmitted.

SIMON SNYDER.

Lancaster, December 23, 1809.

Documents.

State of Vermont.

Council Chamber, Montpelier, Nov. 6. 1809.

Sir:

Agreeably to the request of the legislature of this state, I transmit to you their resolution disapproving of the amendment to the constitution of the United States, proposed by the state of Virginia, on the thirteenth day of January, one thousand eight hundred and eight.

[Signed] Jonas Galusha.

His excellency, the Governor of Pennsylvania.

State of Vermont.

In General Assembly, October 26, 1809.

Whereas his excellency the governor of this state has communicated to this assembly, a resolution adopted by the legislature of Virginia, proposing an amendment to the constitution of the United States, that the senators in the congress of the United States, may be removed from office by the vote of a majority of the whole number of members of the respective state-legislatures, by which the said senators have been or may be appointed. And,

Whereas, in our opinion, the senators in the congress of the United States, do not hold their offices during

a period of sufficient length to render such amendment necessary.

Therefore,

Resolved, That we do not concur in recommending the amendment proposed by the resolution aforesaid.

Also,

Resolved, That the governor of this state be requested to transmit copies of the foregoing resolutions to the executive authority of each of the United States.

State of Vermont.

In General Assembly, October 26, 1809.

Whereas, his excellency the governor of this state has communicated to this assembly, certain resolutions adopted by the legislature of Pennsylvania, proposing an amendment to the constitution of the United States, that an impartial tribunal may be established to determine disputes between the general and state governments. And,

Whereas, such disputes are not so frequent, nor of sufficient magnitude, in our opinion, to render such a tribunal necessary.

Therefore,

Resolved, That we do not concur in recommending the amendment proposed by the resolution aforesaid.

Also,

Resolved, That the governor of this state be requested to transmit copies of the foregoing resolution to the executive authority of each of the United States.

To the Assembly transmitting resolutions of several State legislatures concerning proposed amendments to the Federal constitution.

Fellow Citizens:

I HEREWITH TRANSMIT COPIES OF CERTAIN resolutions passed by the legislature of the commonwealth of North Carolina, disapproving of certain amendments to the constitution of the United States, proposed by the legislature of the state of Massachusetts and of the state of Pennsylvania, and also a copy of the resolution passed by the legislature of the state of Maryland, disapproving of the amendment of the constitution of the United States, proposed by the legislature of the state of Massachusetts, as aforesaid, together with copies of letters accompanying the same.

SIMON SNYDER.

Lancaster, January 23, 1810.

“Raleigh, December 23, 1809.

“Sir:

“In obedience to an order of the General Assembly of the state of North Carolina, I have the honor herewith to lay before you the proceedings of that body upon the subject of certain amendments proposed to the constitution of the United States.

[Signed] David Stone,

“Governor of North Carolina.

“His excellency the governor of Pennsylvania, Lancaster.

“The committee to whom was referred, the message of his excellency the governor, having deliberated with seriousness and attention upon that part thereof which relates to the important subject of certain alterations in the constitution of the United States, proposed by the states of Massachusetts and Pennsylvania.

“Report, That they consider innovations in that justly celebrated and revered charter of our liberties as

dangerous in an eminent degree, and not to be encouraged without the most evident and imperious necessity, which not perceiving in the present cases, they unanimously recommended it to be

“Resolved, That the General Assembly of the state of North Carolina disapprove of what is proposed by the legislature of the state of Massachusetts, as an amendment to the constitution of the United States, and cannot agree to the adoption of an article that “no law shall be enacted laying an embargo, or prohibiting, or suspending, commerce for a longer period than until the expiration of thirty days from the commencement of the session of congress next succeeding that session in which such law shall have been enacted.

“Resolved further, That this legislature also disapprove the article proposed by the General Assembly and governor of Pennsylvania, as an amendment to the constitution of the United States, by providing that an impartial tribunal may be established to determine disputes between the general and state governments, and do not consent to the adoption of any such article, being satisfied that such a tribunal already exists.

“Resolved lastly, That his excellency the governor be and he is hereby requested to transmit, forthwith, a copy of the present resolutions to each of the senators and representatives of this state, in congress, and to the executives of the several states in the union, with a request that the same be laid before the legislatures thereof.

“Council Chamber, Annapolis, January 10, 1810.

“Sir:

“In pursuance of the direction of the legislature of Maryland, I have the honor of transmitting to your excellency, herewith enclosed, a resolution disapproving sundry resolutions, passed by the general court of Massachusetts at their last session, proposing an

amendment to the constitution of the United States, so as to make it unlawful to lay an embargo.

"I am, with high consideration and respect,

"Your obedient servant,

[Signed] "Edward Lloyd.

"His excellency the governor of Pennsylvania.

"State of Maryland.

"In the House of Delegates, December 19, 1809.

"Resolved, That the amendment proposed by the legislature of the commonwealth of Massachusetts to the constitution of the United States, on the sixteenth day of June, one thousand eight hundred and nine, so as to make it unlawful to lay an embargo, or to prohibit, or suspend, commerce for a longer period than until the expiration of thirty days from the commencement of the session of congress next succeeding that session in which such law shall have been enacted, be and the same is hereby disapproved by the legislature of this state; and that our Senators in congress be instructed, and our representatives be requested, and they are hereby instructed and requested, to oppose the said amendment.

"Resolved, That the governor of this state be and he is hereby requested to transmit to each of the senators and representatives, in congress from this state, a copy of these resolutions, and also to the executive of each state with a request that they be submitted to the legislature thereof."

To the Assembly transmitting resolutions of the Legislature of Virginia disapproving of an amendment to the Federal Constitution proposed by the Legislature of Pennsylvania.

Fellow Citizens:

I HEREWITH TRANSMIT A COPY OF CERTAIN resolutions of the legislature of the state of Virginia, disapproving of an amendment to the constitution of the United States, proposed by the legislature of this commonwealth at their last session, which by me, was transmitted to his excellency the governor of the state aforesaid. A copy of his excellency's letter is also transmitted.

SIMON SNYDER.

Lancaster, February 15, 1810.

“Richmond, Virginia, February 3, 1810.

“Sir:

“In pursuance of a resolution of the General Assembly of this commonwealth, I have the honor to forward enclosed the proceedings of the legislature of this state on a proposed amendment to the constitution of the United States, by the legislature of the state of Pennsylvania; and to request that the same may be laid before the legislature of the state of Pennsylvania.

“I have the honor to be,

“Your excellency's most obedient servant,

[Signed] John Tyler.

“His excellency the governor of the state of Pennsylvania.

“Preamble and resolutions, on the proposition of Pennsylvania to amend the constitution of the United States:

“The committee, to whom was referred the communication of the governor of Pennsylvania, covering certain resolutions of the legislature of that state,

proposing an amendment to the constitution of the United States, by the appointment of an impartial tribunal to decide disputes between the state and federal judiciary, have had the same under their consideration, and are of opinion that a tribunal is already provided by the constitution of the United States, to-wit: the supreme court, more eminently qualified from their habits and duties, from the mode of their selection, and from the tenure of their offices, to decide the disputes aforesaid in an enlightened and impartial manner, than any other tribunal which could be erected.

“The members of the supreme court are selected from those in the United States, who are most celebrated for virtue and legal learning; not at the will of a single individual, but by the concurrent wishes of the president and Senate of the United States, they will therefore have no local prejudices and partialities.

“The duties they have to perform lead them necessarily to the most enlarged and accurate acquaintance with the jurisdiction of the federal and several state courts together, and with the admirable symetry of our government.

“The tenure of their office enables them to pronounce the sound and correct opinions they may have formed, without fear, favour, or partiality.

“The amendment to the constitution proposed by Pennsylvania seems to be founded upon the idea, that the federal judiciary will, from a lust of power, enlarge their jurisdiction to the total annihilation of the jurisdiction of the state courts, that they will exercise their will instead of the law and the constitution.

“This argument, if it proves anything, would operate more strongly against the tribunal proposed to be created which promises so little, than against the supreme court, which for the reason given before had every thing connected with their appointment calcu-

lated to ensure confidence. What security have we, were the proposed amendments adopted, that this tribunal would not substitute their will and their pleasure in the place of the law?

"The judiciary are the weakest of the three departments of government, and least dangerous to the political rights of the constitution; they hold neither the purse nor the sword, and even to enforce their own judgments and decrees, must ultimately depend upon the executive arm. Should the federal judiciary, however, unmindful of their weakness, unmindful of the duty which they owe to themselves and their country, become corrupt, and transcend the limits of their jurisdiction, would the proposed amendment oppose even a probable barrier in such an improbable state of things?

"The creation of a tribunal, such as is proposed by Pennsylvania, so far as we are enabled to form an idea of it from a description given in the resolution of the legislature of that state, would, in the opinion of your committee, tend rather to invite than prevent a collision between the federal and state courts. It might also become, in process of time, a serious and dangerous embarrassment to the operations of the general government.

"Resolved therefore, That the legislature of this state do disapprove of the amendment to the constitution of the United States, proposed by the legislature of Pennsylvania.

"Resolved also, That his excellency the governor be, and he is hereby requested, to transmit forthwith a copy, of the foregoing preamble and resolutions, to each of the senators and representatives of this state in congress, and to the executive of the several states in the Union, with a request that the same may be laid before the legislature thereof."

To the Assembly transmitting a resolution of the Legislature of Georgia disapproving an amendment to the Federal Constitution proposed by the Legislature of Virginia.

Fellow Citizens:

I HEREWITH TRANSMIT A COPY OF A RESOLUTION passed by the legislature of the state of Georgia, disapproving of an amendment to the constitution of the United States, proposed by the legislature of the state of Virginia, together with a copy of a letter accompanying the same.

SIMON SNYDER.

Lancaster, February 28, 1810.

“Executive Department, Georgia,
“Milledgeville, 2d February, 1810.

“Sir:

“At the request of the legislature of the state of Georgia, I have the honour of transmitting you a copy of their resolution of the fifteenth of November, one thousand eight hundred and nine, disapproving of the resolution of the general Assembly of the state of Virginia, proposing an amendment to the constitution of the United States, passed the thirteenth day of January, one thousand eight hundred and eight.

“I am, sir,

“Your very obedient servant,

[Signed] D. B. Mitchell.

“His Excellency the Governor of Pennsylvania.

“State of Georgia.

“In Senate, 8th of December, 1809.

“Resolved, That the alteration proposed to the constitution of the United States by a resolution of the general Assembly of the state of Virginia, passed the thirteenth day of January one thousand eight hundred

and eight, in the following words: "That the Senators in the congress of the United States may be removed from office by the vote of a majority of the whole number of the members of the respective state legislatures by which the said Senators have been or may be appointed," Be and the same is hereby disapproved by the legislature of this state, and that the Senators and Representatives from this state in the congress of the United States, be requested to oppose the said alteration.

"Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives in congress from this state, and to the executive of each state.

To the Assembly transmitting resolutions of the Legislature of Georgia disapproving of an amendment to the Federal Constitution proposed by the Legislature of Massachusetts, also transmitting an amendment to the Federal Constitution proposed by the Legislature of Pennsylvania, with other documents.

Fellow Citizens:

I HEREWITH TRANSMIT COPIES OF CERTAIN resolutions passed by the legislature of the state of Georgia disapprobatory of an amendment to the constitution of the United States; proposed by the legislature of the state of Massachusetts, contemplating a restriction of the power of continuing an embargo, and also of an amendment to the constitution aforesaid proposed by the legislature of this commonwealth, at their last session, proposing the establishment of an impartial tribunal to determine disputes

between the general and state governments, together with copies of governor Mitchell's letters.

SIMON SNYDER.

Lancaster, March 7, 1810.

“Executive Department, Georgia,

“Milledgeville, 2d February, 1810.

“Sir:

“At the request of the legislature of the state of Georgia, I have the honor of transmitting you a copy of their resolution, of the twenty-fifth of November, one thousand eight hundred and nine, disapproving of the resolution of the legislature of the state of Massachusetts proposing an amendment to the constitution of the United States, passed the nineteenth day of June, one thousand eight hundred and nine.

“I am, sir,

“Your very obedient servant,

[Signed] D. B. Mitchell.

“His excellency the governor of Pennsylvania.

“State of Georgia.

“In Senate, 25th November, 1809.

“Resolved, That the alteration proposed to the constitution of the United States by a resolution of the state of Massachusetts, passed the nineteenth day of June, one thousand eight hundred and nine, and approved by the governor, in the words following:

“Resolved, That the senators of this commonwealth in the congress of the United States, be instructed, and the representatives thereof requested, to use their best endeavours to cause the following articles to be proposed by the two houses of congress to the legislatures of the several states, as an amendment to the constitution of the United States:

“No law shall be enacted for laying an embargo or for prohibiting commerce for a longer period than until

the expiration of thirty days from the commencement of the session of congress next succeeding that session in which such law shall have been enacted," be and the same is hereby disapproved by the legislature of this state, and that the senators and representatives in congress from this state be requested to oppose the said alteration.

"Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolution to each of the senators and representatives in congress and to the executive of each state.

"Executive Department, Georgia,
"Milledgeville, 2d February, 1810.

"Sir:

"At the request of the legislature of the state of Georgia, I have the honor of transmitting you a copy of their resolution of the twenty-fifth of November, one thousand eight hundred and nine, disapproving of the resolution of the General Assembly of the state of Pennsylvania, proposing an amendment to the constitution of the United States, passed the third day of April, one thousand eight hundred and nine.

"I am, Sir,

"Your very obedient Servant,

[Signed] D. B. Mitchell.

"His excellency the governor of Pennsylvania.

"State of Georgia.

"In Senate, 2th of November, 1810.

"Resolved, That the amendment proposed to the constitution of the United States by a resolution of the General Assembly of Pennsylvania, and approved by the Governor of that state, the third day of April, one thousand eight hundred and nine, in the following words:

“Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in procuring an amendment to the constitution of the United States, that an impartial tribunal may be established to determine disputes between the general and state governments; and that they be further instructed to use their endeavours, that in the mean while such arrangements may be made between the government of the Union and of this state, as will put an end to existing difficulties,” Be and the same is hereby disapproved by the legislature of this state; and that the Senators and Representatives in the congress of the United States from this state, be requested to oppose the said alteration.

“Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolutions to each of the Senators and Representatives in congress from this state, and to the executive of each state.”

Proclamation Declaring the Election of Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth entitled “An Act to provide for the election of Representatives of

the people of this State in the Congress of the United States." passed the second day of April, in the year one thousand eight hundred and two, that the Governor having received the returns of the election, from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several counties of this Commonwealth, shall declare by proclamation, the name of the person or persons returned as duly elected in each respective districts: And Whereas, it appears from the returns of the General Election held on Tuesday, the ninth day of October last, in and for the several districts hereinafter specified, that the following named persons were duly elected to serve in the House of Representatives of the Congress of the United States, for the term of two years, from and after the fourth day of March next, vizt:

In the district composed of the city [*of Philadelphia and] the counties of Philadelphia and Delaware [Doctor Adam Seybert,] William Anderson and James Milnor .

In the district composed of the [counties of ———] Montgomery, Northampton, Wayne and Luzerne, Robert Brown, Jonathan Roberts and William Rodman.

In the district composed of the counties of Chester, Berks and Lancaster, Doctor Roger Davis, Joseph Leffevre and John M. Hyneman.

In the district composed of the counties of Dauphin, Cumberland, Mifflin and Huntingdon, David Bard and Robert Whitehill.

In the district composed of the counties of Northumberland, Lycoming and Centre, George Smith.

In the district composed of the counties of York and Adams, William Crawford.

In the district composed of the counties of Franklin and Bedford, William Piper.

*The portions in brackets have been cut out in the original.

In the district composed of the counties of Westmoreland, Somerset and Armstrong, William Findlay.

In the district composed of the counties of Fayette and Greene, John Smilie.

In the district composed of Washington county, Aaron Lyle.

In the district composed of the counties of Allegheny, Beaver, Butler, Mercer, Crawford, Erie, Venango and Warren; Abner Lacock.

Now therefore, I have issued this proclamation hereby publishing and declaring that the said Doctor Adam Seybert, William Anderson, James Milnor, Robert Brown, Jonathan Roberts, William Rodman, Doctor Roger Davis, Joseph Lefevre, John M. Hyneman, David Bard, Robert Whitehill, George Smith, William Crawford, William Piper, William Findlay, John Smilie, Aaron Lyle and Abner Lacock are duly elected and chosen as representatives of the people of this State in the House of Representatives of the United States for the term of two years to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State, at Lancaster, this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and ten, and of the Commonwealth the thirty-fifth.

By the Governor.

Nath P. Boileau,
Secretary of the Commonwealth.

Opening Address to the Assembly—1810.

Fellow Citizens:

OUR FOREIGN RELATIONS, I AM HAPPY TO observe, present more flattering prospects, than when the legislature last assembled. The two great conflicting powers of Europe discover some dis-

position to abandon those unjust measures which they had adopted, and which have so long, and so greatly embarrassed our trade, and palsied the spirit of commercial enterprize in the Union. Whether those prospects will ripen into fruitful realities, or, as heretofore, disappoint our just expectations, time alone can discover. The message of the President of the United States will probably dispel much of the uncertainty, and remove much of the difficulty which prevents our forming sound and correct opinions as to the actual present, and probable future situation of our country in its relation with foreign powers. Confiding in the wisdom and patriotism of the constituted authorities of the United States, you, fellow citizens, well know, that Pennsylvania will ever be ready, cheerfully to embark her fortunes and resources, and ardently display her energies and courage in resisting aggression, avenging insult, or defending the rights of that community of which she is a part; and from which she never had nor ever wishes to have, a separate interest, or a discordant feeling.

The revolution and overturnings of the old world, for the last twenty years, exhibit awful lessons for our contemplation, and strongly mark the fluctuations and changeability of every thing human; they have, however, left indelible impressions of the truth, that for a nation to preserve her independence, she must be not only courageous, but also armed, disciplined and united. That nation rests upon feeble props, and a sandy foundation, which hopes to support in time of need, from allies, or relies for security in the hour of trial, upon a standing army. History and experience furnish numerous examples of the mighty evils which have fallen upon nations that were slumbering in imagined security, and of the safety which has ever been consequent upon prudent foresight. If it be more wise and politic, as well as more consistent with

humanity, by a commanding attitude, to deter insult or injury, rather than by force to repel them, then it is greatly to be desired that the energies of the nation be organized. These considerations, fellow citizens, will necessarily draw your attention to a revision of our militia system. On the valour and patriotism of the militia of Pennsylvania, we may with confidence rely; but those noble virtues, unaided by discipline, and without the necessary weapons of warfare, would be inefficient against the attacks of a veteran, disciplined and well appointed army. Governments founded on injustice, fear to arm and discipline the people; lest they might by one mighty effort, hurl oppression from its splendid throne, and bury the oppressors beneath the ruins: Such governments are therefore necessitated to look for preservation from a mercenary soldiery, whose pay and subsistence are drawn from the very people, against whom, at the command of their officers, they must push the bayonet, or direct the cannon's mouth; but, in a government like ours, founded on the rock of eternal truth, and recognizing the equal rights of man, it is our just pride, that we have everything to hope, and nothing to fear from a general arming of the people. The permanence of our institutions, and the independence of our country can only be secured by a well organized, well armed, well disciplined, and well appointed militia.

These, and similar reflections must have deeply impressed your minds with the necessity which imposes upon the General Assembly, the duty of devoting their time and talents to the making such provision by law, as shall enable the freemen of this commonwealth to take the field, if necessary, with as much advantage to their country, and honour to themselves, as in our revolutionary struggle, distinguish the Pennsylvania line:—of the public arms belonging to the state, those

that have been distributed are, many of them, lost or destroyed, and many of those that remain in store are in a perishing condition, for want of necessary means to keep them clean and in good order. The preservation of the public arms, and a lucid arrangement of the financial concerns of the militia, are objects of great moment, and will doubtless engage that portion of your attention which their importance require. I would again invite the attention of the General Assembly to the encouragement of volunteer corps of infantry and artillery, and particularly to the regiment of artillery in the city of Philadelphia. I have been induced, thus urgently to press this subject upon the General Assembly, from the circumstances, that subsequent to the rising of the present legislature, and previous to the meeting of another, a general election for militia officers will be held throughout the state.

Intimately connected with the militia system is the duty of improving our roads, the navigation of our rivers, and the cutting of canals. Attention to these subjects is also required by sound political economy, as the certain means to give spring to industry in agriculture, manufactures, and commerce. The political economists of the present age, appear to concur in the opinion, that internal intercourse is more advantageous to a nation, than external commerce, even when pursued under the most favorable circumstances. The embarrassment and obstacles thrown in the way of commercial enterprize, although they have subjected our citizens to losses and privations, may, and possibly will, issue in more lasting and solid advantages to our country, than if they never had existed: They have tended to detach our citizens from too ardent a desire to engage in foreign speculations, and too fond an attachment to foreign articles, and have awakened their minds to an investigation and exploration of our internal resources. Completely to develop the riches of

our country, is, perhaps, beyond the reach of individual wealth or enterprize; would it not, therefore, be wise and patriotic in the legislature to extend their patronage, and proffer their aid to improve our roads, clear our rivers and open canals, and to foster the infant manufactures of our country. It cannot be too distinctly or too durably impressed, that to be really independent, we must be able to manufacture, for ourselves at least, all those articles which are necessary to our comfort and convenience. Before dismissing the subject of internal improvements, I would invite the special attention of the legislature to the contemplated connection of the waters of the Susquehanna, Schuylkill and Delaware, by canals. A very superficial knowledge of the geography of this state, is sufficient to evince the importance of the scheme. Although the work would be expensive and difficult, I believe no doubt is entertained of its practicability, or of those immediate advantages which must flow, from its execution, to the country watered by those streams: But its importance is vastly enhanced, when viewed as the main section of a water communication between the eastern and western parts of the state:—Stupendous as this may appear on a superficial view, yet, compared with what has been done in foreign countries, and compared even with what has been done by the state of South Carolina, it is not only possible, but practicable. Her exertions, and those of other of our sister states in promoting internal improvements, ought to stimulate Pennsylvania to equal efforts. To the considerations already suggested, permit me to add another, which assuredly will have weight with the legislature,—that the union, harmony and happiness of our constituents are best promoted by a mutual interest and dependence; a facility of exchanging their produce and manufactures, and a frequency of intercourse.

I feel it my duty, again, to invite the attention of

the general assembly, to the constitutional injunction which declares that "the legislature shall, as soon as conveniently may be, provide by law, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis." Twenty years have elapsed since this injunction became a part of your constitution; during which time, various grants to colleges and academies have been made, and several laws have been enacted in the spirit of this provision; but it is yet much doubted, whether there has been such a legislative act, as guarantees to the poor "throughout the state," the blessings of education, free of expense. To enforce the importance of a general diffusion of knowledge in a republican representative government, would surely be unnecessary, to an enlightened and patriotic legislature; nor will the difficulty of ascertaining the best and most certain means of effecting this great good, discourage them from further attempting to attain an object so extremely desirable, as it regards the peace, harmony, and happiness of society, and secures the stability of our republican institutions. The laws for the suppression of vice and immorality, (evils which in a great measure spring from ignorance) require revision and amendment. The provisions in many cases are too easily evaded, and the penalties imposed, too trivial to deter.

Much of the time of the legislature, has for years past, been usefully occupied in the improvement of our judiciary system—perhaps few more material amendments can obtain, without an entire change of the system;—complaints of its inadequacy, are chiefly confined to the city and county of Philadelphia: whatever foundation there may be for complaint, it seems rather to have arisen from a collision of interest, incident to a crowded population and numerous commercial transactions, and from the tedious forms of procedure in our courts, than from any defect in the system itself.

By the act for regulating arbitrations, the prothonotaries of the respective counties are required to report the proceedings had under that act. These reports, combined with your own observation and experience, will, I trust, furnish materials for the extension and perfection of that truly christian principle, inculcated in the same act, which experience has proved to be best calculated to preserve peace on earth—under it, right and justice may be administered “without sale, denial, or delay.”

On the ninth day of April, one thousand eight hundred and seven, a further supplement to an act entitled, “An act for offering compensation to Pennsylvania claimants for certain lands in the seventeen townships in the county of Luzerne, and for other purposes therein mentioned,” was passed. This supplement grants to Pennsylvania claimants of a certain description, the right to release their titles to the commonwealth. This privilege has been embraced by some, under the opinion, that the right to sue the commonwealth for the value of such land, was also extended. This equitable provision is, unintentionally, it is presumed, omitted in the further supplement. The statement of the fact will be sufficient to induce a just legislature, to apply an appropriate remedy. It may be proper to remark, that the abolition of the circuit court, presents to suitors of this description, another difficulty.

Legislative attention is requested to the lands on lake Erie, purchased by the state of Pennsylvania, from the United States, included in what has usually been called the triangle. The quantity purchased and paid for by the state, is two hundred and two thousand one hundred and eighty-seven acres, supposed to be strict measure, which is equal to one hundred and ninety thousand seven hundred and forty-two acres and allowance. The whole of this purchase is said to be disposed of by the state, and appropriated; yet, it ap-

pears from official documents in the land-office, that the state has not, in fact, disposed of more than one hundred and seventy-nine thousand eight hundred and seven acres and seven perches, leaving a balance against the state, unaccounted for, of ten thousand nine hundred and thirty-four acres and one hundred and fifty-two perches.

In the judicial investigation of land titles, it is frequently discovered that the state has been defrauded—first, in applications for land, by dating the improvement, as having been made many years after the period at which it was actually commenced; and, secondly, by including within the lines marked on the ground, more land is returned into the land-office. In either of those cases, the state appears in the light of an injured third person, and ought to have some friend in court, to maintain her rights, and secure her interests.

The health law is believed to be defective, and as it will shortly expire by its own limitation, it will claim your serious deliberation. To acquire for the legislature, all the information possible, on a subject involving the health of a populous and prosperous city, I directed the secretary of the commonwealth to write to the board of health, previous to the commencement of the late quarantine, and to the Lazaretto physician, requesting from them, what information and suggestions their experience had given birth to. These letters, and the communication of the board, and the Lazaretto physician, shall be laid before the legislature.

The inestimable blessings of peace—the general good state of health, which, since the recess of the legislature, has pervaded the state, demands our most lively gratitude to the Supreme Giver of all good, nor has the bounty of Heaven been less conspicuous in rewarding the labours of the husbandman with plenteous crops, and crowning his orchards with abundance of

fruits. May we be enabled suitably to appropriate, appreciate, and improve all the numerous blessings which have been so liberally bestowed upon us.

Under the act for continuing the charter of the bank of Pennsylvania, passed the last session of the legislature, I have invested in the stock of that institution three hundred and sixty-nine thousand two hundred dollars, being the amount of nine hundred and twenty-three shares at par. A sum of twenty-one thousand six hundred and eleven (exclusive of twelve thousand three hundred and twenty-eight dollars mentioned in my communication to the last legislature) has been invested in stock of divers turnpike companies, enumerated in the act entitled, "An act for the improvement of the state." The various other duties devolved on the executive, by laws and resolutions of the last legislature, have also been performed.

The increase of our revenue, of which, the late investitures are incontrovertible testimonials, combined with our resources generally, which the annual reports of the accountant officers will more particularly exhibit; our improvements in agriculture, manufactures, and consequent increase of wealth, exhibits to the legislature, means present, as well as future, commensurate with the most expanded views of internal improvement generally. These means liberally, but judiciously applied, will command the approbation and applause of our fellow citizens.

It will be my particular gratification, as it is my bounden duty, heartily and zealously to co-operate with you in carrying into complete effect, such measures as the judgment and experience of the General Assembly shall devise for promoting the interest, and advancing the happiness of our constituents.

SIMON SNYDER.

Lancaster, December 6, 1810.

To the Assembly Transmitting Certain Documents.

Fellow Citizens:

DURING THE RECESS OF THE LEGISLATURE I have received several communications from the executives of different states, relative to certain amendments proposed to the Constitution of the United States, copies of which, I herewith transmit. Also, copies of papers relative to the health law, received from the Board of Health and Lazaretto physician.

SIMON SNYDER.

Lancaster, December 13, 1810.

"State of New Jersey,

"Trenton, November 5, 1810.

"Sir:

"I have the honor to transmit the annexed proceedings of the legislature of New Jersey, upon the subject of certain amendments proposed to the constitution of the United States.

[Signed] "Joseph Bloomfield,

"Governor of New Jersey.

"His excellency, the governor of the state of Pennsylvania.

"Legislature of New Jersey,

"House of Assembly, October 24, 1810.

"Resolved, That this house do disapprove of, and dissent from, the amendment to the constitution of the United States, proposed by the legislature of the state of Massachusetts, June nineteenth, one thousand eight hundred and nine, 'That no law shall be enacted for laying an embargo, or for prohibiting commerce for a longer period than until the expiration of thirty days, from the commencement of the session of congress next, succeeding that session, in which such law shall have been enacted.'

“Resolved, That this house do disapprove of, and dissent from, the amendment to the constitution of the United States, proposed by the legislature of the state of Virginia, on the thirteenth day of January, one thousand eight hundred and eight, ‘That the Senators in the congress of the United States, may be removed from office by the vote of a majority of the whole number of the members of the respective state legislatures, by which the said Senators have been, or may be, appointed.’

“Resolved, That this house do disapprove of, and dissent from, the amendments to the constitution of the United States, proposed by the legislature of the state of Pennsylvania, April third, one thousand eight hundred and nine, ‘That an impartial tribunal may be established, to determine disputes between the general and state governments.’

“Resolved, That his excellency, the governor, be requested to forward copies of the foregoing resolutions, to the executives of the several states; and also, to each of our Senators and Representatives in congress.

By order of the House.

William Kennedy, Speaker.

Portsmouth, July 10, 1810.

“Sir:

“In compliance with the request of the legislature of this state, I have the honor to transmit to your excellency a copy of their proceedings on the subject of an amendment to the constitution of the United States, as proposed by the legislature of the commonwealth of Massachusetts, and request that they may be communicated to the legislature of your state.

“I am, very respectfully,

“Your excellency’s

“Most obedient servant,

[Signed] “John Langdon.

“His excellency, the governor of the state of Pennsylvania.”

"State of New Hampshire.

"In the House of Representatives, June 21, 1810.

"The committee, to whom was referred, certain communications received from the executive departments of the several states, having had under their consideration a resolution of the commonwealth of Massachusetts, passed June twentieth, one thousand eight hundred and nine, proposing an amendment to the constitution of the United States, in the following words:

"No law shall be enacted for laying an embargo, or for prohibiting or suspending commerce for a longer period than until the expiration of thirty days from the commencement of the session of congress next, succeeding that session in which such law shall have been enacted," report the following resolutions;

"Resolved, That the legislature of this state, do not think it expedient, that the proposed alteration in the constitution of the United States should take place.

"Resolved, That his excellency, the governor, be and he hereby is required to transmit the foregoing resolution to his excellency, the governor of the commonwealth of Massachusetts.

"Resolved, That his excellency, the governor of this state, be and he is hereby requested to transmit to each of the Senators and Representatives in congress, from this state, a copy of these resolutions, and also, to the executives of each state, with a request that they be submitted to the legislature thereof.

"Dover, Delaware, Feb. 20, 1810.

"Sir:

"In pursuance of a resolution of the general assembly of this state, I have the honor to transmit you herewith, the proceedings of the legislature of this state, on a proposed amendment of the constitution of the United

States, by the legislature of Massachusetts; and to request that the same may be laid before the legislature of Pennsylvania.

"I have the honor to be

"Your excellency's most obedient servant,

[Signed] "Geo. Fruitt.

"His excellency, the governor of Pennsylvania."

"In the Houe of Representatives,

"January 29, 1810.

"Resolved, by the Senate and house of Representatives of the state of Delaware, in general assembly met, that the amendment proposed to the constitution of the United States, by a resolution of the legislature of the state of Massachusetts, approved on the twentieth day of June, one thousand eight hundred and nine, so as, 'That no law shall be enacted for laying an embargo, or for prohibiting or suspending commerce for a longer period, than until the expiration of thirty days from the commencement of the session of congress next, succeeding that session in which such law shall have been enacted,' be, and the same is hereby disapproved by the legislature of this state; and the governor of this state is hereby requested to transmit to each Senator and Representative in congress, from this state, and to the executive of each state, a copy of this Resolution, that the same may be laid before the legislature of the several states.

"Frankfort, Kentucky,

"March 27, 1810.

"Sir:

"I have the honor to transmit herewith, the copy of a resolution passed both houses of the general assembly at their last session.

"I am, with sentiments of high esteem,

"Your obedient servant,

[Signed] "Charles Scott.

"His excellency the governor of Pennsylvania.

"In General Assembly, Janu. 16, 1810.

"Resolved, That the executive of this commonwealth be, and he is hereby, requested to communicate to the executives of the states of the Union, that the general assembly of the state of Kentucky have taken into consideration the amendment proposed by the state of Pennsylvania, to the constitution of the United States, contemplating the establishment of an impartial tribunal to determine disputes between the general government and state governments; and that they deem the proposed alteration inexpedient."

To the Assembly concerning the removal of the seat of government of the Commonwealth to Harrisburg, with certain documents relating thereto.

Fellow Citizens:

IN CONFORMITY TO THE FOURTH SECTION OF the act of the general assembly of this commonwealth, passed, February twenty-one, one thousand eight hundred and ten, entitled "An act establishing the seat of government, of the commonwealth of Pennsylvania, at Harrisburgh, in the county of Dauphin." I have accepted, in the name of the commonwealth, of the offer of ten acres of land, made by William Maclay, on the terms specified in said act, adjoining the borough of Harrisburgh, and the four acres formerly appropriated by John Harris, and have received a conveyance, in fee simple, for the same, which is duly recorded in the office for recording of deeds, in the county of Dauphin, and deposited in the office of the secretary of the commonwealth.

A copy of the draft of said lots, together with the streets connected with and bounding the same, I have directed the secretary to lay before you. Also, copies of reports made to me by the commissioners appointed to superintend the erection of the public buildings at that place, by which you will perceive the state of forwardness in which those buildings are; the amount of expenditures made, and an estimate of the probable sum still necessary for the completion of the said buildings.

SIMON SNYDER.

Lancaster, Jan. 11, 1811.

To the Assembly approving certain acts, transmitting certain documents, and giving notice of the issue of a supersedeas for the removal of Jonathan Johnston from the office of Justice of the Peace for Greene county.

Fellow Citizens:

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the general assembly, and directed the secretary to return the same to the House of Representatives, in which they originated, viz:

* * * * *

I have also directed the secretary to lay before you, copies of resolutions passed by the legislatures of the states of Ohio and Kentucky, agreeing to a proposed amendment to the constitution of the United States, prohibiting any citizen of the United States from accepting of any title, pension, office of honor or profit, &c., &c., from any foreign power, on pain of a forfeiture of their citizenship.

Copies of an act of the general assembly of this state, approving of the foregoing amendment, have been forwarded to the president of the Senate, and speaker of the House of Representatives of the United States, and to the governors of the several states in the union.

I have further directed, that a supersedeas be issued for the removal of Jonathan Johnston from his office of a justice of the peace, in and for the county of Greene.

SIMON SNYDER.

Lancaster, March 1, 1811.

“State of Kentucky,

“Frankford, February 9, 1811.

“Sir:

“Pursuant to the duty enjoined on me, I have the honor to transmit to you the enclosed resolution, passed by the legislature of this state, at their last session.

“I am, with consideration of high respect,

“Your most obedient servant,

[Signed] “Charles Scott.

“His excellency, the governor of Pennsylvania.”

“State of Kentucky,

In general assembly, January 29, 1811.

“The general assembly of the commonwealth of Kentucky, have taken into consideration, the section submitted by the Senate and House of Representatives of the United States of America, as an amendment to the constitution of the United States, proposing that, ‘If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall without the consent of congress, accept and retain any present, pension, office, or emolument, of any kind whatever, from any emperor, king, prince, or foreign

power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.'

"Whereupon,

"Resolved, That the assent of the state of Kentucky be, and it is by the legislature thereof, hereby given to the said proposed amendment to the constitution of the United States, and on the part of the said state of Kentucky, it is assented, that the said section be adopted, and shall be valid and binding as a part of the constitution of the United States, when ratified by the legislatures of three fourths of the states.

"Resolved, That the governor of this commonwealth be requested to communicate the foregoing resolution to the Senate and House of Representatives of the United States, and the governors of each of the states."

Proclamation entitling the Union Canal Company to the benefits of an act of the General Assembly for the benefit thereof.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, during the last session of the General Assembly of this Commonwealth an act was passed entitled "An act to incorporate the Union Canal Company of Pennsylvania," in and by the fifth section of which

act it is provided as follows, vizt: "That after the passing of this act, the President and Managers of the Schuylkill and Susquehanna Navigation and the President and Managers of the Delaware and Schuylkill Canal Navigation, may if they think it advisable, call a meeting of the stockholders of their respective companies, by advertisement in three of the newspapers of the city of Philadelphia, one whereof to be German, once a week for four succeeding weeks; said meeting to commence at ten o'clock in the forenoon, and close at two o'clock in the afternoon, and the majority of the stockholders then present signifying in writing their consent and agreement to the provisions contained in this act, the President and managers of each Corporation aforesaid shall under their respective corporate seals, deliver a duplicate of said instrument of writing to the Governor, to be by him deposited in the office of the Secretary of the Commonwealth; and that thereupon the Governor shall declare by Proclamation this law to have full force and effect." And Whereas, the President and Managers of the Schuylkill and Susquehanna navigation, and the President and managers of the Delaware and Schuylkill canal navigation, have fully complied with the provisions of the said section, by calling a meeting of the stockholders of their respective companies, and signifying to me by an instrument in writing under their hands and their respective corporate seals, their consent and agreement to the provision contained in the said recited Act of the General Assembly, as by the said instrument deposited in the office of the Secretary of the Commonwealth will appear:

Now therefore, in pursuance of the power and authority to me by law given, I the said Simon Snyder, Governor of the said Commonwealth, do by these pres-

ents declare and make known that from and after the day of the date hereof, the said Act of the General Assembly, and every part thereof, is to have full force and effect.

Given under my hand and the Great Seal of the State, at Lancaster, this thirtieth day of May, in the year of our Lord one thousand eight hundred and eleven, and of the Commonwealth the thirty-fifth.

By the Governor.

James Trimble, Deputy Sec'y

Annual Message to the Assembly—1811

Fellow Citizens:

THROUGH THE BLESSINGS OF DIVINE PROVIDENCE, you are permitted to assemble, and to deliberate on the concerns of the Commonwealth, in peace and tranquility.

In the commencement of the discharge of the important duties devolved upon us, permit me to join with you, in sentiments of sincere gratitude to that kind Providence who has favoured us with a continuance of internal peace and prosperity; with abundant productions of the earth, and a general prevalence of health throughout our country. Grateful for these blessings, let us look to Him that formed, and can controul the human mind, to direct to such public measures, as will best promote the real, substantial happiness and prosperity of our country.

The communication recently made to Congress by the President of the United States, and voluminous documents accompanying the same, which no doubt you all have read with attention and solicitude, ex-

hibit but a gloomy prospect. Amidst this gloom, however, it is with just pride and pleasure, we notice the firm, the candid, and impartial conduct of the Executive, towards the two conflicting powers, who have violated the laws of Nations and of common right ---The justice, impartiality, and forbearance of the United States, will be matter of wonder and approbation, to a candid world, and a lasting monument to the honor of a free republican government, while it neutralizes the poison of calumny, it inspires confidence, and it must unite the hearts and hands, of all true Americans in support of their government, in every measure it may ultimately adopt for the maintenance of our rights, or to avenge our wrongs. If in this course of events, a last appeal must be made to arms, we may with confidence rely on the valour and patriotism of the citizens of Pennsylvania, to unite with their fellow citizens of other states, in supporting the honor, and independence of our beloved country.

It is a matter of satisfaction to perceive that one of the belligerents has evinced a disposition to respect our neutral rights; and although that government has still left strong ground for complaint, yet, what it has done, justifies a hope, that it is a prelude to measures of ample justice. On the part of the other belligerent, scarcely a symptom appears to warrant an expectation of an amicable adjustment. To the General Government, we look for that wisdom in Council, and persevering energy of action, which will cause that power to respect all our rights, and redress our injuries; and especially that of impressing our seamen. To despoil us of the fruits of our honest industry, and legitimate enterprize, is palpably unjust; but to enslave an American citizen, and impel by the galling lash, brother to stain his hands with brother's blood, is adding insult

and cruelty to injustice, and trampling in the dust, the most precious and essential attribute of a free and independent nation: Devoutly deprecating the miseries of desolating War, prudence imperiously suggests the propriety and the necessity of preparing to meet every event—this consideration will naturally lead your attention to the revision of our Militia system.

It cannot be too often repeated, that a well organized, well disciplined and well appointed militia, is the only legitimate, efficient, and safe defence of a free republican government. It is generally acknowledged, that the present system is materially defective, and the repeated essays of the legislature, on that important subject, proves the difficulty of forming a system, that will be effective in its operation, without being oppressive to the citizens. Let not, however, difficulty deter—rather let it stimulate to exertion, for the completion of so indispensable an object. While on this subject, it is my duty to state to you, that the public arms not distributed, are suffering material injury, in consequence of no legal provision being made to keep them from corroding rust; nor are those which have been distributed (except such as are in the hands of volunteer associations) in a better condition, because of the insufficiency of the regimental funds; from the want of a judicious fiscal arrangement of the fines, when collected, as well, as the irregular manner of their collection. Frequent applications have been made by volunteer companies, for rifles; the applicants could not be gratified, because there are no rifles in possession of the commonwealth. To you is submitted the importance and propriety of making provision, to meet such applications. The discipline of the Militia is materially affected by the frequent change of officers arising from resignations, generally occasioned by the

expense to which they are exposed in uniforming, equipping, and time in learning the military art: Perhaps a small compensation from the state, for such sacrifices or an exemption from militia duty after a faithful performance of their duties as officers, for a given period of years might probably obviate the evil.

To the subject of education I would again invite your serious attention. Of its beneficial effects upon morals and political institutions, I need not to enlarge. To ignorance, our prisons, our penitentiaries, and our poor houses, are principally indebted for their inhabitants. The value of education is incalculably enhanced in a government of the people, such as ours, where every Citizen may be called in his turn, to legislate, or to execute. A general diffusion of knowledge, can alone ensure and perpetuate our republican institutions. Without a competent portion of information rational liberty cannot be realized. It ceases, indeed, to be a blessing. It degenerates into licentiousness. Your predecessors have made some progress in the business, but not to the extent of the constitutional injunction.

The present embarrassing state of our foreign relations, cutting off the source of supplies of manufactures from abroad, which we were in the habit of importing, will necessarily lead your particular attention to the encouragement of our own manufactures: The importance of the subject, will receive additional force, from the recollection of the frequent recurrence of manufacturing establishments, being destroyed by fire; from those unfortunate events being connected with circumstances, which excite strong suspicions that incendiaries have been employed to perform the work of destruction, and check the enterprizing spirit of our artizans. Food and raiment are indispensable to

the preservation of real independence; The fertility of our soil, and the industry of our husbandmen afford an ample supply of the former; the skill and enterprize of our artizans with the abundant supply of materials which our county affords, are fully competent to the latter, and only want the fostering hand and patronage of government to make us in the true and most unlimited sense of the word, an independent nation. In the midst of embarrassments occasioned by the interdiction of commerce, it is a consolatory idea, that those very embarrassments, have a tendency to wean our citizens from a too ardent pursuit of foreign commercial speculations, and invites their attention to the exploration of the internal resources of our own country, and we view them with pleasure directing the force of their genius, their enterprize, and their capital to improvements in agriculture, and manufacturers, which must if persevered in, ultimately convert a transient calamity into a permanent substantial national advantage. Years of experience, purchased, it is true, at great expense, must convince us that foreign commerce is a good, but of a secondary nature, and that happiness and prosperity, must be sought for, within the limits of our own country, and not in foreign connections. Moral honesty amongst individuals, is but too rare. Moral honesty in governments, especially those founded in violence and wrong, is visionary. The importance of the subject upon which I have been addressing you, is too palpable to require argument to enforce it, and will command that portion of your deliberations, which it deserves.

Intimately connected with the foregoing subject, is that of improving our roads; the navigation of our rivers; and the opening of canals, by which the surplus of articles produced in one part of the country, may be transported to another, with cheapness and facility.

To the former of these subjects, the attention of your predecessors has been directed with considerable effect. The liberality of the last legislature, in the encouragement given to the improving of roads, and building bridges, has justly received the approbation of the people of this commonwealth. These monuments of public liberality, I am happy to say, have been so effectually supported by private wealth, and individual exertion, that during the recess of the legislature, three companies have had charters of incorporation granted them, for the building of as many bridges over the Susquehanna river, viz: at M'Call's ferry, at Columbia, and at Sunbury. On reviewing that subject you will probably discover that something more, still remains to be done. Little yet, has been done in cutting canals, and to that point, I would solicit your particular attention. The superior advantages of water carriage, are too well understood, to require much argument to prove, or to illustrate them. The importance of such improvements, will be greatly enhanced, by recollecting that our country can be most effectually annoyed, on the sea-board. Maritime and hostile nations have it in their power not only to interrupt, but almost to destroy our coasting and cut off the trade and water communication between the States. This evil can only be averted by opening canals, and so numerous and so situated are our lakes, rivers, and lesser streams, that by exertions, worthy the magnitude, and immense advantages of the object, both as it regards interest and safety, water communications might be opened, so as to connect the eastern and western, the northern and southern extremes of the United States. This subject has engaged the attention of our sister States. The state of New York is now assiduously employed in the project of opening a water communication between Lake Erie and the Hud-

son river. From a view of the map of Pennsylvania, as well as from information derived from enlightened and scientific men, who have explored the country with a special view to that subject, it is confidently believed, that Lake Erie can with less difficulty and expense, be connected with the principal navigable waters of this state. It is confidently hoped, that the General Government will not be inattentive to the importance of these water communications, which have been mentioned. There is one which may be considered as a preliminary step towards the accomplishment of so interesting and important a work, which I conceive is completely within the power of the State to effect—the connection of the Susquehanna with the Schuylkill and Delaware rivers. A company for that purpose has already been incorporated, but, in all probability, without the aid of the State, neither the exertions, the enterprise, nor the resources of the company will be adequate to the object: Some consideration, I trust, will be bestowed on the propriety and expediency of aiding them by a loan of money upon moderate interest, until their prospective resources can be brought into action. I am persuaded of its practicability. The object is worthy of legislative aid and patronage, and it would be honorable even to have failed in so laudable an attempt. I have only to add on the foregoing subject generally—that domestic is immensely more valuable than foreign commerce, as it regards pecuniary considerations, and in a political view, it becomes still more enhanced. It would form an indissoluble bond of union. It would forever banish the idea of a severa-tion of the States. It would create new and strong ties and dependencies, new and reciprocal advantages, and excite new sympathies and affections among the children of the same American family.

The legislator, as well as the moralist, will search for the sources of evil, either felt, or feared, in the corruption of the morals or manners of the people, as well as in the defects of their political institutions. In fact, he will perceive that they have a necessary, and reciprocal influence on each other. A republican legislator, will examine the subject with peculiar interest, because he is aware, that the stability of the government depends, not only on the information, but the virtue, of the people. There are national vices, which are nothing more or less, than the aggregate vices of individuals, which invite national punishment. The predominant vices of our country, are too palpable to require a particular detail. These few remarks will lead your attention to the revision of the laws for the suppression of Vice and Immorality—they are either too lenient in their penalties, or too lax and imperfect in their provisions, to correct, or controul the progress of moral depravity.

That an evil of any considerable magnitude should exist in Pennsylvania, without an appropriate remedy, need only to be mentioned, to ensure your early attention. Application has lately been made to the Supreme Court, by the Attorney General, for leave to file an information, in the nature of a quo-warranto against the trustees of a certain literary institution for their misuse of a donation made them by the Legislature. Another application was made by the same officer, that an information, also in the nature of a quo-warranto, might be filed, and a rule granted, to shew cause, why a certain other Corporation, should not be dissolved for abuse of its powers. The process prayed for, was refused in both cases, on the ground, that the Court had no jurisdiction. Authentic copies of the proceedings had before the Court, will form the subject of a special message.

By a law passed the thirtieth day of January one thousand eight hundred and ten, it is enacted, that the robbery or larceny of bank notes, of any incorporated banks, shall be punished in the same manner, as the robbery, or larceny of any goods or chattels of equal amount. However laudable the intention of this law may have been, experience has shewn it to be productive of consequences injurious to property and morals: for, agreeably to the interpretation this act has received from the highest judicial authority, it is necessary in all cases of prosecution under it, to state in the indictment that the notes stolen are the notes of an incorporated bank; and as it is requisite that all the material allegations in an indictment should be proved on the trial, convictions are thereby rendered difficult and sometimes impracticable. Bank notes of all the states in the Union are occasionally found in circulation, and to require the prosecuting officer to make proof in any of the Courts of justice, in this Commonwealth, of the actual incorporation of a bank in South Carolina, or in any other distant state, is attended with obvious and sometimes with insurmountable difficulties.

The restriction of the act in question to notes of Banks in Pennsylvania might perhaps make it less exceptionable. Thus restricted it would still tend to secure one of its principal objects, and prevent the evils, which have sprung, and may yet spring from the existence, or formation within this state of unauthorized banking associations.

By the ninth section of the act passed the eleventh day of March one thousand eight hundred and nine, persons indicted for any criminal offence in the Mayor's Court of the City of Philadelphia, in addition to the privilege they enjoy of removing the same into the supreme Court, have the right forthwith to demand that such indictment be removed to the court of Quarter Sessions of the county of Philadelphia, there to be

proceeded on and tried. The operation also of this law has been found to produce embarrassment, delay, and not unfrequently, the entire failure of justice. The guilty party dreading the moment of trial, removes the indictment when the public officer is prepared to call it up for trial. That the accused should have the right thus to interrupt the proceedings without any previous notice and remove them to a court not of superior, but of co-ordinate powers and jurisdiction, without alledging any reason for such removal, is such a novelty in jurisprudence and attended with so many inconveniences, that I have considered it an important duty to present the subject to your consideration. If a repeal be not deemed salutary, the imposition at least of some terms upon this right, might prove an useful amendment.

These remarks upon particular laws, leads me to some reflections on our system of criminal jurisprudence. Though its general excellence is acknowledged by the enlightened statesman and philanthropist, yet it is evidently defective in arrangement. By progressive acts of legislation, our criminal laws, at this time, amount in number to more than fifty. The distant intervals of time at which different provisions on similar subjects have been enacted; the variety of penal or prohibitory clauses interspersed in statutes which otherwise relate to matters of a civil nature; the multiplicity of complex references from one act to another, the partial repeals of laws, and sections of laws, connected with others of a subsequent date, the difficulty of collecting, from fractional parts of various acts, the meaning of the legislature, so as to produce one lucid whole, creates much embarrassment, and destroys that perspicuity, which is one of the most important characteristics of a good penal code. The confusion occasioned by these several causes has frequently perplexed the inquiries of men the most accustomed to judicial

researches, and too often rendered the subject of legislative provisions totally unintelligible to the generality of our citizens. It is respectfully conceived, that in Pennsylvania, claiming among her sons those from whom has emanated the ameliorating spirit of this interesting branch of our polity, there cannot be wanting that portion of an enlightened and benignant zeal which may be necessary for its attainment to a still higher state of perfection.

While on the subject of criminal jurisprudence, permit me to reiterate the suggestion made to a late Legislature, "whether the substitution of imprisonment during life, or any other punishment, would be productive of less evil to society than the punishment of death, is a question meriting the attention of humane and enlightened Legislators." Without presuming at this enlightened period of our policy to attempt, by arguments familiar to you all, to impress the suggestion; I may be permitted to state the important fact, that in Pennsylvania, containing nearly one million of souls, only one person has been convicted of the crime of wilful murder for the period of two years and a half past! The inferences are obvious—either that the habits, manners, and religious opinions, of a respectable number of our citizens, make them recoil from being in anywise instrumental in bringing to the bar of justice, testifying against, or convicting, a fellow being, when they know that the consequence of that conviction is to be the death of the criminal;" or that the crime of wilful murder is seldom, if at all, committed in Pennsylvania; "and that," to use the language of a philanthropic Committee contained in a report on the journal of one of your Houses, "the propitious moment has now arrived for giving the last stamp of greatness and humanity to the character of Pennsylvania." Shall it then be said, that in Pennsylvania, where triumph the purest principles of legisla-

tion, revenge and blood shall longer stain her code of laws.

Elevated as is her character for humanity, there is yet permitted to remain one other stain on the otherwise fair and benign features of her polity. The galling yoke of slavery is still felt by some of our fellow creatures in different parts of this Commonwealth, and its pressure is made the more severe by witnessing the happiness and freedom of surrounding multitudes. A recent act of cruelty which came under my notice, and which awakened feelings of a painful and distressing nature will, I trust, excuse the introduction to your notice of a subject so very interesting to the whole human family, and embracing facts and practices palpably inconsistent with the terms and spirit of that fundamental and immutable law of reason "That all men are born free and equal."

The several laws for the sale of unappropriated lands within the purchase of 1768, and preceding purchases, require amendment. It is, has been, matter of regret, that the benevolent intention of the state by lowering the price of her lands and thereby bringing the acquisition of real estates within the means of the poor [improvement and actual residence being a necessary prerequisite to the obtaining of a warrant] has, in a great measure, been defeated by the crafty speculator, who, by suborning the ignorant or corrupt, obtains a title from the State, without having brought his claim within the spirit and meaning of the laws.

Under a mistaken application (by the Land Officers) of the provisions of the law of the third day of April, one thousand seven hundred and ninety-two, offering for sale, vacant unappropriated lands. To the laws of 1785 and 1786, by which latter laws were set apart and appropriated a tract of country, north and west of the rivers Ohio and Allegheny, for the redemption of depreciation certificates, a loss has been sustained by the

Commonwealth: Actual settlers on these appropriated lands having (under the law of the third of April, 1792) obtained warrants, and some of them patents without having refunded, as was directed by law, their due proportion of upwards of eleven thousand dollars paid by the State for surveying those lands. The legislature, it is presumed, will perceive the necessity of confirming such titles as were granted in mistake, and also of prescribing some mode whereby settlers on other such lands may obtain legal titles from the Commonwealth.

Owing to the circumstances of the Offices of Master of the Rolls and Recorder of deeds for the county of Philadelphia having been at one time vested in the same person, state papers and papers of a local nature have been promiscuously recorded in the same books, some of which books remain in the office of the said Recorder of deeds, and some remain in the Land Office: that much difficulty is caused by such a state of things is evident, and needs legislative correction.

The Commissioners appointed by your predecessors to view the several roads leading from Harrisburgh to Pittsburgh have made report, as they were by law directed to do, which will be laid before you.

The venerable Indian Chief, to whom your predecessors granted forty dollars immediately, and forty dollars yearly, during life, did not live to enjoy that truly laudable and, by him, well merited remuneration for many and important services rendered the State during the revolutionary war. He died shortly before the passage of the law. May I be permitted to invite the present legislature to extend (by a small donation) to his sons a portion of that benevolent feeling which pervaded the last General Assembly, when considering the case of their ancestor.

There are other subjects which will present themselves to your consideration. Amongst these, permit

me to say, is the necessity of a law for continuing an health office for the City and Port of Philadelphia. A rigid enforcement of the provisions of the existing law was instrumental in preventing the introduction of contagious diseases from abroad, but the provisions in that law for averting the danger that may arise from domestic causes are generally considered to be insufficient. The interest you feel in preserving the lives, and securing the comfort and happiness of so large a portion of our Citizens, will, it is presumed, direct the application of appropriate remedies in a new law, which the expiration, at the end of the present session of the legislature, of the present law makes necessary.

By the investiture of five hundred thousand dollars in stock of the Bank of Pennsylvania at par, under the act continuing the Charter of that institution, passed the fourteenth day of February one thousand eight hundred and nine, we may with safety calculate on an addition to our annual revenue of fifty thousand dollars (that institution having lately paid the State a dividend of ten per cent. per annum). This addition, independently of those sources of revenue from whence were derived the means by which was effected the investiture itself, and which are not yet exhausted, as will appear from a report to be made by the accountant officers, exhibiting a comprehensive view of our finances, will, at a time when the general prosperity seems so strongly to invite it, justify a renewal of a suggestion to a Legislature in whose exertions for the promotion of the public good, I repose implicit confidence, that such ample means liberally, but judiciously applied in cutting canals, improving roads, and the navigation of rivers; in fostering our infant manufactures; and in the diffusion of useful knowledge, will command the approbation and applause of our fellow citizens.

Such duties as by legislative injunction devolved on the Executive, have been, I trust, duly performed. In

all your endeavors to promote the future interest of the Commonwealth, be assured of my prompt and zealous co-operation.

SIMON SNYDER.

Lancaster, December 5th, 1811.

To the Assembly Transmitting Certain Documents.

I HAVE DIRECTED THE SECRETARY OF THE Commonwealth, to lay before you a copy of an act of the Legislature of the State of New Jersey, ratifying on the part of that state, a proposed amendment to the constitution of the United States, prohibiting a citizen of the United States, from receiving any title of nobility, or pension, from any foreign power:—Copies of proceedings had in the Supreme Court, relative to the cases adverted to in my communication of the 5th inst.; not having been furnished with the opinion of the Court at large, as respects those cases, I have taken the liberty of laying before you, a copy of an opinion of the Court, given in a case of a similar nature.—Copies of a report of the Commissioners, appointed by the act of Assembly, of April 2d, 1811, for the purpose of reviewing what are commonly called, the Northern and Southern routes, for a turnpike road from Harrisburg to Pittsburg—a draught of said routes has been deposited in the Secretary's office.—Also, a copy of a law of the state of New York, and, of a letter from the commissioners appointed by that law, for the consideration of all matters relating to a contemplated canal navigation, between the great Lakes and Hudson river. By the latter papers you will perceive the enterprising spirit of that state, has not abated. That she is now the first state in the Union, as to population, may be fairly ascribed to the very liberal support she has given

to public improvements. Her success, I confidently hope, will awaken a laudable spirit of emulation in the legislature of Pennsylvania.

SIMON SNYDER.

Lancaster, Dec. 11th, 1811.

Communication from the Governor of New Jersey.

State of New Jersey.

An Act to ratify an amendment to the Constitution of the United States.

Sect. 1. Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same. That the amendment to the Constitution of the United States proposed by a resolution of the Senate and House of Representatives of the United States of America in Congress assembled, to the Legislatures of the several states, which proposed amendment is in the following words, viz:

"If any citizen of the United States shall accept, "claim, receive, or retain any title of nobility or honor, "or shall without the consent of Congress, accept and "retain any present, pension, office, or emolument of "any kind whatsoever, from any emperor, king, prince, "or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of "holding any office of trust or profit under them or either of them." Be and the same is hereby upon the part of this legislature and in the name of this state, ratified and made a part of the constitution of the United States.

Trenton, March 7th, 1811.

Sir:

I have the honor to transmit the above law, ratifying on the part of this state, a certain amendment of the constitution of the United States.

[Signed] Joseph Bloomfield,

Governor of New Jersey.

His excellency, the Governor of
the state of Pennsylvania.

Inaugural Address—1811.

Fellow Citizens:

THREE YEARS HAVE THIS DAY ELAPSED, since, in this House, surrounded, as I now am by the Representatives of the people of Pennsylvania, I solemnly swore to devote all the energies of my mind, to the promotion of their happiness.

I have a well grounded reason to believe, that my zealous efforts have not been unsuccessful; because, they have received the approbation of a free and enlightened community. My re-election, and the circumstances attending it, fills my heart with gratitude, and produces a more perfect and entire devotion, if possible, of all my faculties, to the service of the people, who have thus honorably distinguished me. I am sensible that my personal merits have contributed but little, to the concentration of the public suffrage. A faithful adherence to republican principles, an earnest desire to promote the public prosperity, and a general coincidence of opinion, upon public measures, with the Representatives of the people; united to a cordial co-operation with them in all their efforts to promote the public weal, are the true causes of the unanimity which has been so happily manifested, at the general election.

We are, fellow citizens, placed in authority, at a momentous period of our national history. The storm of war which has long been desolating the old world, howls along our coasts, and hovers over our habitations: whether it may be dispelled, or descend upon us, in all its fury, remains undetermined. The Representatives of all the people of the several states, are now in council. They have access to the best sources of information, as to the conduct of the belligerents. They well know the sentiments of their constituents, and we may safely rely on their wisdom and patriotism, faith-

fully to discharge the trust reposed in them. If they should determine, that we have not only exhausted the cup of forbearance, but tasted of that of humiliation; and that our only hope of having our wrongs redressed, and our rights respected, and of holding our equal rank among the nations of the earth, is by an appeal to the last resort; then, let us, as citizens and public functionaries, manfully prepare to do our duty. Let the voice of faction be heard no more; but, let every arm be raised to defend the rights and liberties, and maintain the Independence of the only free people upon the earth. Let us differ (if we must differ) about men, or minor political questions; let us, however, be unanimous in our measures against the common enemy. Let the sword and the shield be uplifted by the nation, as a band of brothers and freemen, who, having a righteous and common cause, are determined that neither art nor intrigue; force nor fraud, shall induce them to abandon the common standard, upon which is impressed the glorious motto of "virtue, liberty, and independence." With such determinations, we shall be as invincible, as our cause is just and sacred.

Again permit me, though faintly, to express to you, and through you, to all my fellow citizens, the gratitude I feel for the distinguished manner of my re-election: To renew the assurances of my devotedness to the promotion of the happiness of our common country; and to assure you of my good wishes for your personal welfare.

SIMON SNYDER.

Lancaster, December 17th, 1811.

To the Senate Announcing the Re-appointment of
Nathaniel B. Boileau as Secretary of the Common-
wealth.

Lancaster, Dec. 18th, 1811.

Sir:

BE PLEASED TO INFORM THE SENATE, THAT I
did yesterday, re-appoint Nathaniel B. Boileau, to
be the secretary of the commonwealth, during my
continuance in office, agreeably to the fifteenth section,
of the second article of the constitution of this com-
monwealth.

SIMON SNYDER.

P. C. Lane, Esq.,
Speaker of the Senate.

To the Assembly Transmitting Certain Documents.

I HEREWITH TRANSMIT COPIES OF AN ACT
of the Congress of the United States, passed on
the 21st day of December last, entitled "An act for
the apportionment of representatives, among the sev-
eral states, according to the third enumeration." And
also a resolution of the legislature of the state of Tennes-
see, disapproving of sundry amendments, to the Con-
stitution of the United States, as proposed by the legis-
latures of the states of Massachusetts, Pennsylvania
and Virginia: And approving of one proposed by the
Senate and House of Representatives, of the United
States—Also, a resolution of the legislature of the
state of Vermont, approving of the said amendment,
last mentioned.

SIMON SNYDER.

Lancaster, January 9th, 1812.

Department of State, December 27th 1811.

(Circular.)

Sir:

I have the honor to forward to you, a copy of "An act for the apportionment of representatives, among the several states, according to the third enumeration."

As the subject will necessarily engage the attention of the legislature of your state, at an early period, I have thought it proper to hasten the transmission of this document, to you, and am, with perfect respect,

Sir,

Your very obedient servant,

[Signed] James Monroe.

His excellency the Governor
of Pennsylvania.

An act for the apportionment of Representatives, among the several states, according to the third enumeration.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the third day of March, one thousand eight hundred and thirteen, the House of Representatives shall be composed of members elected agreeably to a ratio of one representative for every thirty-five thousand persons in each state, computed according to the rule prescribed by the constitution of the United States, that is to say: Within the state of New Hampshire, six; within the state of Massachusetts, twenty; within the state of Vermont, six; within the state of Rhode-Island, two; within the state of Connecticut, seven; within the state of New York, twenty-seven; within the state of New Jersey, six; within the state of Pennsylvania, twenty-three; within the state of Delaware, two; within the state of Maryland, nine; within the state of Virginia, twenty-three

—within the state of North Carolina, thirteen; within the state of South Carolina, nine; within the state of Georgia, six; within the state of Kentucky, ten; within the state of Ohio, six; within the state of Tennessee, six.

[Signed] H. Clay, Speaker
of the House of Representatives.

[Signed] Geo. Clinton, Vice President
of the United States, and President of the Senate.
December 21st, 1811.

Approved,

[Signed] James Madison.

To the Assembly approving certain Acts and transmitting certain document.

I HAVE THIS DAY APPROVED AND SIGNED
the following acts of the General Assembly, and
directed the secretary to return the same to the
houses, in which they respectively originated, viz:

* * * * *

I have also directed to be laid before you, copies of two several acts, of the legislatures of the states of Maryland and North Carolina, ratifying an amendment to the constitution of the United States, tending to prevent citizens of the United States, from accepting pensions, titles of honor, &c., &c., from any foreign power, without the consent of Congress.

SIMON SNYDER.

Lancaster, January 28th, 1812.

Documents Referred to in the Message.

In Council,

Annapolis, November 16th, 1811.

Sir:

In compliance with a resolution of the General Assembly, of this State, we have the honor to transmit

to your excellency, herewith enclosed, an authenticated copy of an act, passed at the last session of the legislature of Maryland, ratifying an amendment to the constitution of the United States, proposed by Congress to the legislatures of the several states.

We are, with high consideration and respect,

Your obedient servants,

[Signed] ROBERT BOWIE.

His excellency the Governor
of Pennsylvania.

Maryland, sct.:

At a session of the General Assembly of Maryland, begun and held at the city of Annapolis, on Monday, the fifth of November, and ended on the twenty-fifth of December, in the year of our Lord, one thousand eight hundred and ten.—His excellency Edward Lloyd, Esq., Governor; amongst others, the following law was enacted, to wit: No. 162. "An act to ratify an amendment to the constitution of the United States of America, proposed by Congress, to the legislatures of the several states."

Whereas, at the second session of the 11th Congress of the United States, begun and held at the city of Washington, in the territory of Columbia, on Monday, the twenty-seventh day of November, one thousand eight hundred and nine, it was resolved as follows, to wit:

Resolved, by the Senate and House of Representatives, of the United States of America, in Congress assembled, Two-thirds of both houses concurring, that the following section be submitted to the legislatures of the several states: which, when ratified by the legislatures of three-fourths of the states, shall be valid and binding, as a part of the constitution of the U. S.

If any citizen of the United States, shall accept, claim, receive, or retain any title of nobility, or honor, or shall without the consent of Congress, accept and

retain, any present, pension, office, or emolument, of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit, under them, or either of them."

Be it enacted by the General Assembly of Maryland, That the aforesaid amendment be, and the same is hereby confirmed and ratified.

To the Assembly Transmitting Certain Documents.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the secretary to return the same to the houses, in which they respectively originated, viz.

* * * * *

I have also directed copies of an act, passed by the legislature of the state of New Jersey, at their last session, entitled "An act to incorporate the subscribers to the New Hope Delaware bridge company;" and of Governor Bloomfield's letter, accompanying the same. Also, copies of a letter from James Mease, containing a proposition for depositing, among the archives of this commonwealth, the original charters, from Charles the 2d and the Duke of York, to William Penn.

SIMON SNYDER.

Lancaster, February 3d, 1812.

State of New Jersey,
Trenton, 23d January, 1812.

Sir:

I have the honor of transmitting an act, passed by the legislature of this state, entitled "An act to incorporate the subscribers to the New Hope Delaware

bridge company," in order that the same may be laid before the legislature of Pennsylvania, to vest, if the legislature of Pennsylvania shall deem proper, like powers and authority in the subscribers to erect the said bridge.

Very respectfully,

Your excellency's

Most obedient servant,

[Signed] Joseph Bloomfield.

His excellency Simon Snyder, Governor,
of the commonwealth of Pennsylvania.

Philadelphia, January 20th, 1812.

Sir:

Mr. John R. Coates, of this city, brought with him two years since, from London, the original charter of Charles the 2d and the Duke of York, to William Penn; which, upon my suggestion, he is willing to deposit among the archives of the state, upon their removal to the fire-proof offices, at Harrisburg: Provided a request is made by you, for the papers, or by the legislature; and that public notice be taken of the documents being in their possession.—Mr. Coates, also suggested the propriety of provision being made, for liberty to use them in evidence, as in a recent trial, the accuracy of the printed copies of them, was doubted, by the counsel opposed to the claim of the Penn family, and required the production of the original documents, in court. Mr. Coates says, he will not trust the papers, in the hands of any one, except himself, until the papers of the Secretary of the commonwealth, are removed to Harrisburg.

I am, very respectfully,

[Signed] James Mease.

His excellency Simon Snyder,
Governor of Pennsylvania.

To the Assembly Transmitting Certain Documents.

I HAVE THIS DAY APPROVED AND SIGNED
the following acts of the General Assembly, and
directed the secretary to return the same to the
houses, in which they respectively originated, viz:

* * * * *

I have also directed to be laid before you, copies of
a resolution, passed by the legislature of the state of
Georgia, at their last session, approbatory of an amend-
ment to the constitution of the United States, proposed
by congress, relating to incapacitating citizens of the
United States, from accepting titles of honor, pensions,
places of trust or profit, &c., &c., from any foreign
power.

SIMON SNYDER.

Lancaster, February 22d, 1812.

Executive Department, Georgia,
Milledgeville, 4th January, 1812.

Sir:

In compliance with a resolution of the General As-
sembly, of this state, I have the honor to transmit you
a copy of a resolution, passed by them at their last
session, ratifying and confirming an amendment pro-
posed by congress, to the constitution of the United
States.

I am sir,

With high consideration and respect,

Your very obedient servant,

[Signed] D. B. Mitchell.

His excellency the Governor
of Pennsylvania.

State of Georgia,

In Senate, 22d November, 1811.

Whereas, his excellency the Governor of this state,
has laid before this General Assembly, a resolution,
passed by the congress of the United States, in the
words following, to wit:

Resolved, by the Senate and House of Representatives, in congress assembled, two-thirds of both houses concurring, that the following section be submitted to the legislatures of the several states, which, when ratified by the legislatures of three-fourths of the states, shall be valid and binding, as a part of the constitution of the United States.

If any citizen of the United States shall accept, claim, receive or retain, any title of nobility or honor, or shall without the consent of congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit, under them or either of them.

Be it unanimously resolved by the General Assembly of the state of Georgia, that the foregoing amendment proposed by congress, to the constitution of the United States, be, and the same is hereby, on the part of this state, agreed to, ratified and confirmed.

And be it further resolved, that his excellency the Governor, be requested to transmit copies of the foregoing resolution, to the president of the Senate, and speaker of the House of Representatives, of the United States, and to each of our senators and representatives in congress, and to each of the Governor's of the several states.

To the Assembly Announcing the Receipt of the Original Charter from Charles the 2d, and the Release from the Duke of York to William Penn.

I WOULD ALSO INFORM THE LEGISLATURE, that the original charters from Charles the 2d, and the release from the Duke of York, to William Penn, as mentioned in my communication of the 3d

ult. have been duly received and deposited in the office of the secretary of the commonwealth.

SIMON SNYDER.

Lancaster, March 20th, 1812.

Proclamation Appointing a Day of Thanksgiving—
1812.

Pennsylvania, ss:

[Signed] Simon Snyder.



BY SIMON SNYDER, GOVERNOR
of the Commonwealth of Pennsylvania.

A PROCLAMATION.

Whereas, it is the duty of Communities as well as individuals, when under the chastening hand of an infinitely wise and just God, to humble themselves before him that judgeth aright, to acknowledge their sins and imperfections, and to implore his pardon and forgiveness: And it having pleased an almighty God in his providence that this hitherto happy and long peaceful, but perhaps too ungrateful land, shall be involved in war with a foreign nation, as well as with the ruthless savages of the Wilderness; it therefore becomes us with humility to acknowledge the divine justice of this calamitous dispensation, and deprecate deserved wrath. And whereas a number of religious societies have united in appointing the last Thursday of the present month as a day for solemn humiliation, fasting and prayer; and it being desirable that the sincere and united prayers of the people should ascend to the Throne of Grace. I therefore recommend, and do hereby earnestly recommend, that the people of every denomination throughout this Commonwealth do set

apart Thursday, the 30th instant, as a day of general solemn humiliation, fasting and prayer. That, on that day they abstain as far as practicable, from all worldly avocations, and unite with sincerity and with contrite hearts to confess their manifold offenses against a hold and merciful God, aggravated highly by ingratitude for the numerous blessings this Country has so long enjoyed; to implore his forgiveness; in sincerity to ask him to give wisdom to our counsellors, so as to direct to measures he will own and bless; that he would be a wall of fire about us and a glory in the midst of us; defend us from the attacks of foreign foes and guard us from the ravages of the savage of the wilderness; go forth with our armies in defence of our inestimable rights, and preserve harmony and union amongst ourselves; that he who has the hearts of all nations in his hands, and can turn them as the rivers of water are turned, would dispose our enemies to do us justice; speedily put an end to desolating war, and secure to us the full enjoyment of all our rights civil and religious. That by the almighty efficacy of his spirit and grace, he would give us that righteousness which exalteth a nation, and banish far from us profaneness, infidelity and every vice which disgraces a people; that he would hasten the blessed period when all nations shall bow to the sceptre of the Prince of Peace; that war be no more heard, and that peace on earth and good will may pervade the whole human family.

Given under my hand and the Great Seal of the State, at Harrisburg, this thirteenth day of July in the year of our Lord one thousand eight hundred and twelve, and of the Commonwealth the thirty-seventh.

By the Governor,

N. B. Boileau, Sec'y.

Proclamation declaring the election of Electors of President and Vice President of the United States. Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania.

By SIMON SNYDER, Governor of the said Commonwealth of Pennsylvania.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth entitled "An act to direct the manner, time and places of holding elections for Electors of a President and Vice President of the United States," passed on the second day of February, in the year one thousand eight hundred and two, that the Governor having received the returns of the Elections from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several counties of this Commonwealth, shall enumerate and ascertain the number of votes given for each and every person voted for as an Elector of a President and Vice President of the United States; and thereupon declare by Proclamation the names of the persons so duly elected and chosen; and also that he shall notify the same to the Electors respectively on or before the last Wednesday in the month of November next after such election: And Whereas it appears by the returns which I have received that Charles Thomson, David Mitchell, Paul Cox, Isaac Morrell, Michael Baker, Joseph Engle, James Fulton, Isaiah Davis, John Whitehill, Edward Crouch, Hugh Glasgow, David Fullerton, Samuel Smith, Robert Smith, Nathaniel Michler, Charles Shoemaker, James Mitchell, John Murray, Clement Paine, Arthur Moore, Henry Alshouse, James Stephenson, Abia Minor, Adamson Tannehill and David

Mead are the persons for whom the greatest number of votes were given at the said election held on Friday the thirtieth day of October last. Now therefore I have issued this proclamation hereby publishing and declaring that the said Charles Thomson, David Mitchell, Paul Cox, Isaiah Morrell, Michael Baker, Joseph Engle, James Fulton, Isaiah Davis, John Whitehill, Edward Crouch, Hugh Glasgow, David Fullerton, Samuel Smith, Robert Smith, Nathaniel Michler, Charles Shoemaker, James Mitchell, John Murray, Clement Paine, Arthur Moore, Henry Alshouse, James Stephenson, Abia Minor, Adamson Tannehill, and David Mead are duly elected and chosen Electors of a President and Vice President of the United States to serve at the Election in that behalf to be held at the seat of the Government of this State (being the Borough of Harrisburgh in the County of Dauphin) agreeably to the said Act of the General Assembly of this Commonwealth, and the Acts of Congress in such case made and provided.

Given under my hand and the Great Seal of the State at Harrisburgh the sixteenth day of November in the year of our Lord one thousand eight hundred and twelve, and of the Commonwealth the thirty-seventh.

By the Governor,

N. B. Boileau, Sec'y.

Proclamation declaring the election of Representatives of the State of Pennsylvania in the United States Congress—1812.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of Representatives of the People of this State in the Congress of the United States," passed the twentieth day of March, in the year one thousand eight hundred and twelve, that the Governor having received the returns of the election held in the several counties of this Commonwealth, shall declare by proclamation the name or names of the person or persons to him returned as duly elected, in each respective district: And Whereas, it appears from the returns of the general election held on Tuesday the thirteenth day of October last, in and for the several districts hereinafter mentioned, that the following named persons were duly elected to serve in the House of Representatives of the Congress of the United States for the term of two years, from and after the fourth day of March next, vizt: In the district composed of the city of Philadelphia and the counties of Philadelphia and Delaware, Doctor Adam Seybert, William Anderson, Charles Jared Ingersoll and John Conard. In the district composed of the counties of Lancaster and Dauphin, James Whitehill and John Gloninger. In the district composed of the

county of York, Hugh Glasgow. In the district composed of the counties of Cumberland, Franklin and Adams, Robert Whitehill and William Crawford. In the district composed of the counties of Bucks, Northampton, Wayne and Lehigh, Robert Brown and Samuel D. Ingham. In the district composed of the counties of Berks and Schuylkill, John M. Heyneman. In the district composed of the counties of Bedford, Somerset and Cambria, William Piper. In the district composed of the counties of Mifflin, Huntingdon, Centre, Clearfield, and McKean, David Bard. In the district composed of the counties of Northumberland, Luzerne, Bradford, Susquehanna, Lycoming, Tioga and Potter, Jared Irwin and Isaac Smith. In the district composed of the counties of Westmoreland, Indiana, Jefferson and Armstrong, William Findley. In the district composed of the county of Washington, Adam Lyle. In the district composed of the counties of Fayette and Greene, John Smilie. In the district composed of the counties of Allegheny and Butler, Adamson Tannehill; and in the district composed of the counties of Beaver, Mercer, Crawford, Erie, Venango and Warren, Abner Lacock. Now therefore, I have issued this proclamation hereby publishing and declaring that the said Adam Seybert, William Anderson, Charles Jared Ingersol, John Conard, Jonathan Roberts, Roger Davis, James Whitehill, John Gloninger, Hugh Glasgow, Robert Whitehill, William Crawford, Robert Brown, Samuel D. Ingham, John M. Hyne-man, William Piper, David Bard, Jared Irwin, Isaac Smith, William Findley, Aaron Lyle, John Smilie, Adamson Tannehill, and Abner Lacock, are duly elected and chosen as Representatives of the people of this State in the House of Representatives of the United States for the term of two years from and after the fourth day of March next.

Given under my hand and the Great Seal of the

State, at Harrisburgh, this twenty-third day of November, in the year of our Lord one thousand eight hundred and twelve, and of the Commonwealth the thirty-seventh.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation of Reward for the Apprehension of the Person Guilty of the Robbery and Murder of Andrew Garrett, of Philadelphia county.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information, that on the night of the eighteenth of November last, a Burglary was committed by a number of persons unknown, in the township of Roxborough, in the county of Philadelphia, in the house of a certain Andrew Garrett, who was by the said persons robbed, and cruelly and inhumanely abused and beaten; and that on Sunday the twenty-ninth day of the same month, the said Andrew Garrett died of the wounds and bruises which he received from the perpetrators of the said Burglary and Robbery. And Whereas, the reputation of the Government; the peace and security of its citizens; and the obligations of justice and humanity require that the perpetrators of offences so atrocious should be brought to speedy and condign punishment; I have,

therefore, thought proper to issue this proclamation, hereby offering a reward of two hundred dollars to any person, or persons, who shall apprehend and secure within any jail of this Commonwealth the person or persons who have committed the said crimes, in order to their being brought to trial and conviction. And all Judges, Justices, Sheriffs, Coroners, Constables, and other Officers within this Commonwealth, according to the duties of their respective offices are hereby required and enjoined to be attentive and vigilant, in enquiring after and bringing to justice the perpetrators of the crimes aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburgh, [this third day of] December, in the year of our Lord [one thousand eight] hundred and twelve, and of the [Commonwealth the] thirty-seventh.

By the Governor.

N. B. Boileau, Sec'y.

To the Assembly giving Notice that the Presidential Electors are ready to perform their Duties.

Fellow Citizens:

IN PURSUANCE OF THE FOURTH SECTION OF an act of the General Assembly of the Commonwealth of Pennsylvania, approved the second day of February, one thousand eight hundred and two, entitled "An act to direct the manner, times and places of holding elections for electors of a President and Vice President of the United States," it becomes my duty to inform the Legislature, that the following gentlemen have given notice to me, that they are at the seat of government, and ready to perform the duties

of electors of President and Vice President of the United States, viz: David Mitchell, Paul Cox, Isaac Worrell, Michael Baker, Joseph Engle, James Fulton, Isaiah Davis, John Whitehill, Edward Crouch, Hugh Glasgow, David Fullerton, Samuel Smith, Robert Smith, Nathaniel Michler, James Mitchell, John Murray, Clement Paine, Henry Alshouse, James Stephenson, Abia Minor, and David Mead, by which it appears, that Charles Thomson, Charles Shoemaker, Adamson Tannehill, and Arthur Moore, four of the persons chosen at the late election to serve as electors, are absent from the seat of government. The two former, as I am informed, by reason of bodily infirmity, the latter are in the military service of their country.

SIMON SNYDER.

Harrisburg, Dec. 2d, 1812.

Annual Message to the Assembly—1812.

Fellow Citizens of the Senate and House of Representatives:

WHEN I HAD LAST THE HONOR TO ADDRESS the Representatives of the people of Pennsylvania, the nation was yet resting in the lap of peace; but it was anticipated, that the accumulating wrongs and manifold injuries inflicted, and inflicting on the persons and property of our citizens, would compel Congress to declare war: War has been declared—the sword of the nation, which, for thirty years had been rusting in its scabbard, has been drawn to maintain that independence, which it had gloriously achieved. In the war of the revolution, our fathers went forth as it were, “with a sling and with a stone, and smote their enemy.” Since that period, our country

has been abundantly blessed, and its resources greatly multiplied; millions of her sons have grown to manhood, and inheriting the principle of their fathers, are determined to preserve the precious heritage, which was purchased by their blood, and won by their valor.

The Legislature of Pennsylvania have, for many years, session after session, approved of the measures of the general government, and declared that they and their constituents, would zealously support all its determinations, which promised relief from the intolerable, and almost colonial yoke, which the government of Great Britain was imposing. These determinations are now to be tested—the day of fruitless negotiation and unavailing resolves has passed away, and we are called upon to assume “an armour and an attitude” becoming the day of battle and of trial: A day, in which I proudly trust, the people and constituted authorities of Pennsylvania, will swiftly run the race of patriotic emulation with their fellow-citizens and the constituted authorities of our sister states.

One of the first consequences of the war, was calls from the government of the United States on the government of Pennsylvania for four thousand militia, to go into actual service, as a part of her quota for the general defence; they were promptly ordered out and the orders were obeyed with an alacrity and pleasure, which proves, that though the spirit of independence may have slept, yet its vital principle is as vigorous as ever. The organizing, officering, arming and providing for the two brigades, thus called into actual service, was effected with as much celerity and completeness as our militia law, fund, and system, would permit. Some of the difficulties, which occurred in the discharge of the executive's duties, shall be stated, that Legislative wisdom may provide remedies. The scattered, and in many instances unknown places where there are public arms, and the wretched rust-

eaten condition, in which they are too often found, make it a work of time, labor and expense to collect them together, and have them put in such repair as they ought to be previous to their being put into the hands of our militia. The want of cartouch boxes, flints and many other indispensable military equipments and stores has been sensibly felt, and would have been still more so, had not a large portion of the patriotic militia that rendezvoused at Meadville, not only volunteered their personal services, but furnished their own arms and equipments. Those of the second detachment, ordered to rendezvous at Pittsburg, who could not supply themselves, were furnished out of a deposit of seven hundred and fifty muskets and a quantity of cartouch boxes, made by my order, in anticipation of large deficiencies. To overcome those difficulties, it was necessary that expenses should be incurred and the providing for those expenses, was in itself, a difficulty not a little embarrassing. The 34th section of the militia law expressly pledges the militia for the purpose of "equipping and furnishing the militia with arms and every other necessary apparatus for the defence and security of the state," but no mode is provided by which the money is to be drawn out of the treasury, except for the payments of accounts settled. Presuming that, where the law imperatively enjoins duties, it provides also for their execution; the obvious deduction was, that if the fund pledged for special purposes could not be drawn out of the treasury, to meet those very purposes by any positive provision of the letter of the statute, that it must be done and justified by irristible presumptive inference from its spirit. It has been so drawn and appropriated to the purposes for which by law it is pledged; a contrary construction and conduct would have rendered the law a dead letter, and defeated the very purposes for which it was enacted.

The necessity of providing by law for the appointment of proper officers to make contracts for arms, ammunition, provision, and camp equipage for the militia, is as obvious, as that money (the very sinew of war) must be advanced for such objects. The present law makes no provision for the appointment of paymasters, for detachments ordered out for the defence of the state, nor does it directly provide for paying the troops, nor can money be advanced to brigade inspectors, to defray expenses incurred by those officers, in marching detachments to a rendezvous, under requisition of the general government. It does, indeed, provide for the appointment of a quartermaster general, an officer of importance at all times, but more especially in times of war—to this office, however, no salary is yet attached. In some instances, regiments and companies have neglected to choose officers; in such case the law provides no mode whereby classes can be called into service.—The public ordnance, a valuable property remaining in Philadelphia, is exposed to great injury, by reason of the dampness of the floor whereon it stands, and it is in danger also from fire, because the building called an arsenal, is of wood and is surrounded with work shops and stables, constructed of that material.

Permit me to suggest, whether it would not be just and reasonable, that those of our militia that are in indigent circumstances, and who may be called into actual service, should be furnished with blankets and suitable clothing at the public expense, or that some additional pay be made in advance to enable them to furnish themselves. Many, very many, may be called to jeopardize their lives, and leave destitute helpless families, who have no stake in the contest, other than their personal liberty, whilst many of the wealthy and affluent are exempt from personal service.

Would it not be adviseable, fellow-citizens, that means be taken to ascertain all the military property of the state, where it is deposited, in whose care, and in what condition; that it be put and kept in good order, and if the Legislature think proper, be deposited in central situations within division, brigade, or regimental bounds.

The situation of our country, independent of the defects and difficulties experienced, will imperiously impress the Legislature with the necessity of a general and careful revision of our whole militia system, and induce the adoption of such measures as will make our hundred thousand militia respectable and formidable, not in round numbers on paper, but in fighting the battles of our country.

Besides the call for succour from the government of the United States, I was officially informed that a general alarm prevailed in the town and vicinity of Erie, in consequence of the appearance of a British Indian force, on the lake, opposite to that place. In consequence of this information, I issued orders under date of the fifteenth of July last, that a portion of the sixteenth division, Pennsylvania militia, should be organized under general Kelso, for the protection of the frontier; that country being in want of arms and munitions of war, I sent five brass field-pieces, five hundred and four muskets, gun powder, flints, and lead, and ordered the purchase of more, and such other articles as might be essential to the service; directing quartermaster general Wilson Smith, Esq. who has patriotically accepted the office without emolument, to provide for the safe keeping of all military property which might come under his notice. The measures, I am happy to add, prevented the British or their savage allies, from polluting our soil with hostile feet.

As soon as report has been made by the Adjutant-general, and Quarter-master-general, and other requi-

site materials are obtained, a statement of expenses incurred in defence of the state, and the proceedings had in compliance with the requisitions of the constituted authorities of the United States, together with copies of those requisitions, will, by special message, be laid before you.

Before I quit the subject of the militia, I would suggest to the Legislature, whether provision ought not to be made to enable the militia and volunteers of Pennsylvania, who may be, on the day of a general election, in actual service, to vote in camp for the respective civil officers for whom they would severally be entitled to vote if they were at home at their usual places of residence.

There is a hardship, if not an injustice, in disfranchising, for a certain time, a citizen for no other reason than that he is in the service of his country. A Republican Legislature will cheerfully do what justice and patriotism require.

Having submitted the several considerations which have presented themselves to my mind, as involving the rights and interests of our constituents, I hope to be permitted to express the satisfaction I shall feel in coinciding in every measure of the Legislature of Pennsylvania, tending to strengthen and make strong the arm of the General Government, so that it may fall heavy, even with the heaviness of death, upon the enemies of our country. To do this effectually, to accomplish all the objects of the war, but one thing is needful; that, union of opinion which would concentrate all the energies of the nation and direct them against the enemy. This is the rampart against which our enemies might for ever beat in vain. Be it then, my fellow-citizens, our endeavors to foster this union of sentiment, to cherish American feelings, even national pride, and our rich reward shall be the con-

sciousness of having promoted the best interests of our country.

If the liberal system, of late years pursued, shall continue to govern the destinies of Pennsylvania, she will not only maintain her present elevated station as an agricultural state, but, she must soon take a prominent rank amongst manufacturing and commercial nations. Her geographical position—her local station, relatively to the other states—her abundant productions of articles of the first necessity, springing from a fertile soil, populated by near a million of inhabitants, as remarkable for industry and enterprise, as for their frugality and moral deportment, all combine to secure her future wealth and greatness under a republican government. Recent proofs of liberality and sound policy are found in the appropriation of a portion of the public treasure, in aid of individual wealth and enterprize, towards making extensive turnpike roads, and the erection of four bridges over the river Susquehanna. All those public works tend to bring nearer, and more intimately connect, the most distant parts of the commonwealth. The bridge over the north-east branch of the Susquehanna has been prosecuted with so much zeal and effect, as to ensure its completion in the course of eighteen months.

Having, in former communications, expressed my opinion on the subject of internal navigation, I deem it unnecessary to add more, than that I continue to be impressed with the importance of that kind of public improvement, and that it will give me particular satisfaction to concur with the Legislature in doing something towards its promotion. Many have been the essays of your predecessors to carry into complete effect, that constitutional injunction, of providing “by law, for the establishment of schools throughout the state, in such manner that the poor may be taught gratis;” let not their failure discourage, but rather

prompt to extraordinary exertion to surmount the difficulty. On the want of a general diffusion of knowledge, the ambitious found their hopes of success in overthrowing our invaluable political institutions, and on their ruins to erect the throne of despotism: but, a generally enlightened and well informed people, once free, cannot be enslaved. In proportion, therefore, as we value liberty, let our efforts be to diffuse knowledge, as the most certain pledge of its security.

To another subject, not less important to our real and practical independence, I mean home manufactures, your attention will naturally be drawn. Far be it from me to express sentiments of hostility to a legitimate commerce; but it must be acknowledged that the embarrassments under which the general government has for many years labored, has principally, if not exclusively in circumstances connected with commercial transactions: though in itself admirably calculated to promote the interest, comfort, and improvement of nations, and from it much might be derived to us, and much from us to foreign nations, if not interrupted by the unjust monopolizing spirit of governments feeling power and forgetting right; yet I may be permitted to say, that commercial speculations have been estimated at too high a value, and that symptoms have appeared in some, evinsive of a disposition to barter the liberties and independence of their country for gold. Avarice, a passion capable of destroying every noble emotion of the soul, though it cannot be eradicated, a wise Legislature may direct its force to objects beneficent to society; and as foreign commerce, by the existing war, is, in a great measure, interdicted, a favorable opportunity occurs to foster and encourage the establishment of our own manufactures, which, while they enrich the individual, will promote the general interest and secure the real independence of our country.

A public treasury shewing, on the first day of November last, an unexpended balance of \$193,709.72, after having paid the ordinary, as well as extraordinary, expenses of the government since the first day of December, 1811, presents the means through which may be attained every thing calculated to promote the security, happiness, and best interests of our constituents.

That our funds are adequate to any probable future expenses of the government, an exhibition to the Legislature of the financial accounts will shew. Those items in the account, growing out of, or in any way connected with the war, will, it is believed, furnish an item of charge against the United States. For it is fairly to be presumed, that Pennsylvania, ever zealous in support of the nation's rights, will not be burthened with more of those expenses than her just proportion.

The laws for the sale of unseated land for taxes, ought to be so amended, as that the commissioners, or some other county officers, may purchase, for the use of the proper county, every tract of land offered for sale, as shall not have bidden for it a sum equal to the taxes and costs due, reserving to the owner, as whose estate it is sold, the right of redemption for a given period.

The very salutary results from the extension of the powers of justices of the peace, for the recovery of debts and damages, warrant the opinion, that under proper regulations, the powers of those officers might be safely extended.

Horse-racing and its attendant gambling, are growing evils; the penalty consequent to the latter vice is too trifling to deter; the former practice, in the opinion of many, can only be prevented by a forfeiture of the animal designated for this cruel sport.

A very considerable portion of the time of the last

Legislature having been occupied in the discussion of applications for the establishments of new banks; as those applications are likely to be renewed, I have thought it my duty to ascertain and submit to you a few facts which have a direct bearing upon this interesting subject. Since the adjournment of the Legislature, the incorporated banks in the city of Philadelphia have subscribed a million of dollars to the United States' loan, the whole amount of the subscription in Philadelphia has been \$2,399,300, an evidence of no mean kind of wealth and patriotism, and of the abundant capital of the state. Besides the sums thus loaned the incorporated banks have taken a million of dollars of Treasury Notes, which give less than bank interest. The Branch bank in this borough has, for months past, had a sum of \$100,000 unemployed. The bank, commonly called the Six Million bank, which was last spring incorporated by the state of New York, has, I am assured, never been able to get half its capital subscribed, and certainly has not been able to go into operation. The remedy afforded the commonwealth, by existing laws for the recovery from delinquent officers of public monies by them withheld, and of recovering from delinquent contractors, for making roads and for improving the navigation of rivers, monies by them received but never faithfully applied, is found to be almost totally inefficient. Few of the many suits, some of them commenced more than ten years since, have been terminated by a course of law. The causes are too obvious to need specification. I will suggest that the interest of the commonwealth would be promoted by vesting the accounting officers with powers to compel the attendance before them, at the seat of government of any and every such delinquent, his executors or administrators, for hearing, investigation, and decision. Their decree, from its date, to have the effect of a lien, and to be final unless appealed from

within a given time, and carried before a competent tribunal at the seat of government. This, or any other mode, which in a reasonable time and with moderate expense, would enforce the payment of the monies thus due to the state, would annually save the commonwealth very considerable sums. The constitutional provision which directs, that right and justice shall be administered without sale, denial, or delay, it must be admitted, is rendered by the accused, in many cases of personal wrong, inoperative. The offender, bound with surety for his appearance, defaults; the consequence is, a forfeiture of recognizance. If exacted, the commonwealth is benefited by results growing out of a violation of her laws, but the party really injured, retires totally disappointed, and the judicial officer and witnesses are deprived of their lawful dues. Justice and equity would seem to require, that power should be vested in the Executive, on the recommendation of the proper tribunal, to order in such cases of hardship, that a portion or the whole of the money forfeited be applied in remunerating the injured party and for the payment of costs.

A copy of the resolution of the Legislature of March last, requesting the Attorney general to consolidate the penal laws into one act, was transmitted to that officer on the 11th April last; his report, when received, will be immediately laid before you. Other duties incumbent on the Executive, I trust, have been duly performed.

Although it has pleased the Ruler of the Universe, in the course of his wise Providence, to visit us with the calamities of war, it becomes us, with sentiments of unfeigned gratitude, to acknowledge his goodness, for he has mingled with his chastisements, very many blessings. Our cities, farms, villages, and country, have been blessed with general health; the labor of the husbandman has been crowned with abundance;

the success of our merchants has exceeded our reasonable expectations; may these dispensations lead us to a reformation of our morals as a nation and as individuals.

In the performance of every duty resulting from the constitution and the laws, I promise a faithful co-operation.

SIMON SNYDER.

Harrisburg, Dec. 3d, 1812.

To the Assembly making certain Recommendations
Concerning the Militia.

Fellow Citizens:

IN THE COMMUNICATION I HAD THE HONOR to make on the 3d instant, I intimated an exhibition of the Legislature of the proceedings adopted in relation, as well to the defence of the frontiers of the state by the militia, as to the requisitions for aid by the United States' government. In compliance with that intimation, and for the furtherance of the objects, relative to the war, now under consideration of the Legislature, I now lay before you all communications, requisitions, and orders, preceding the organization of the two detachments of our militia, now in the service of the United States; and a statement in detail by the adjutant-general, of the forces composing the said detachments, together with an account of expenses incurred in the execution of the orders of the Executive. Copies of two letters from that officer, containing useful information, derived by him in the discharge of his duties, are also added: I transmit, also, copies of the orders and proceedings had in relation to the defence, by the militia, of our own frontier on lake Erie. The duties incumbent upon the Quarter-master-general—

the many difficulties he had to encounter in their performance have, hitherto, detained him at Erie: so soon as he arrives and makes return, the Legislature shall have further and full information, on the subject of that local defence. His zeal and activity entitle him to remuneration for services performed.

The evident necessity and utility of the office—the great responsibility thereto attached, will, I trust, secure to that officer, an adequate and permanent salary.

The services rendered by adjutant-general William Reed, have been arduous and important; many of them not positively within the sphere of his duty, and not of the description, for which his salary is deemed a compensation: to his zeal, vigilance, and unremitted attention, may be fairly attributed the complete success of a prompt compliance with the orders of the Executive, predicated on those of the United States' government. I would recommend, that he be remunerated for those extra services, and for the expenses also that he incurred.

Much praise is due also to those of the brigade inspectors and brigadiers general, from whose brigades detachments were ordered on service, who, with an alacrity manifesting true love of country, marched their detachments to the respective places of rendezvous, paying all the expenses for sustaining the troops on the road, out of their private funds—some of those expenses (unavoidable in their nature) not coming within the letter of the existing laws, have not been refunded them.

I transmit also an extract of a private letter, to an official character, containing information of an opposition now making to the collection of fines imposed by brigade inspectors and their associates, on such of the militia, who refused to perform military duty. As this letter gives the grounds for opposition, and

impeaches also certain brigade inspectors of misconduct in office. I have deemed it my duty to lay the information it contains before you.

SIMON SNYDER.

Harrisburg, Dec. 19, 1812.

To the Assembly transmitting a letter from the Secretary of War and giving Information concerning the State Militia.

I HASTEN TO LAY BEFORE YOU A LETTER, addressed to me by the Secretary at War, in answer to my letter to him of the tenth instant, a copy of which I herewith transmit. From which it would appear, that ample provision has been made, by the United States' government, for clothing the North-western Army, of which the detachment of Pennsylvania militia, that marched in October last, from Pittsburg, forms a part.

From general Dearborn's letter to me, of the thirteenth of August last, a copy of which accompanied the documents laid before you on the nineteenth instant, it would seem the brigade of volunteer militia that rendezvoused at Meadville, marched under a requisition made in pursuance of the act of Congress, of the twenty-eighth of February, one thousand seven hundred and ninety-five; agreeably to which, their tour will terminate a few days hence. Should their service, however, be required for six months, I am credibly (though not officially) informed, that those of that brigade, who were unprovided with winter apparel, have been comfortably clothed by the United States' government. Under an impression, that the laudable object, contemplated by the Legislature, has been anticipated by those who administer the govern-

ment of the United States, I shall deem my duty, under the act entitled, "An act for the relief of the militia and volunteers of this state, now in the service of the United States," concluded, unless otherwise directed by the General Assembly.

SIMON SNYDER.

Harrisburg, Dec. 22, 1812.

To the Assembly Transmitting Certain Documents.

I LAY BEFORE YOU COPIES OF A RESOLUTION, passed by the Legislature of the state of New Hampshire, approving an amendment to the constitution of the United States, forbidding the acceptance by a citizen of the United States, from any foreign power, of any title of nobility, or honor, pension, office, or emolument of any kind whatever. And copies also of a letter to me from the executive of that state, accompanying the authentic copy of said resolution.

I transmit also, copies of a letter to me from Charles Smith, esquire, counsel for Shepperd and Dorrance, in the controversy between those gentlemen and the state, relative to the mammoth farm, in the county of Luzerne; stating existing difficulties to a termination of the issue formed by the judges of the supreme court, to try the legality of the certificates granted to the said Shepperd and Dorrance for the said farm, under a resolution of the Legislature, passed the 2d day of April, 1811; and suggesting another mode for the adjustment of that controversy.

SIMON SNYDER.

Harrisburg, Jan. 12, 1813.

Communication from the Executive of New Hampshire.

New Hampshire, Executive Department,

Concord, December 12, 1812.

Sir:

I have the honor of herewith transmitting to you, a Resolution of the Legislature of this state, agreeing to an amendment to the Constitution of the United States, as proposed by the Congress thereof.

I am respectfully, sir,

Your most obedient,

[Signed] William Plumer.

His Excellency, the Governor of Pennsylvania.

State of New Hampshire.

In the House of Representatives,

December 9th, 1812.

Whereas, his Excellency, the Governor of this state, has laid before the General Court, a Resolution, passed by the Congress of the United States, in the words following, to-wit:

“Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following section be submitted to the Legislatures of the several states, which, when ratified by the Legislatures of three-fourths of the states, shall be valid and binding as a part of the Constitution of the United States.”

“If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility, or honor, or shall without the consent of Congress, accept and retain any present, pension, office, or emolument, of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding

any office of trust or profit under them, or either of them." Therefore,

Resolved, by the Senate and House of Representatives, in General Court convened, that the foregoing amendment, proposed by Congress, to the constitution of the United States be, and the same is hereby, on the part of this state, agreed to, ratified and confirmed.

And be it further Resolved, that his excellency, the Governor, be requested to transmit copies of the foregoing Resolution to the president of the Senate, and speaker of the House of Representatives, of the United States, and to each of our senators and representatives in Congress, and to each of the Governors of the several states.

To the Assembly Transmitting Certain Documents.

IN CONFORMITY TO A REQUEST BY THE GOVERNOR of the state of Maryland, I lay before you copies of an act of the Legislature of that state, passed the second instant, requiring the co-operation of this state, in perfecting the Delaware and Chesapeake Canal.

I do also, in conformity to a request of the Governor of North Carolina, transmit copies of resolutions of the Legislature of that state, passed the fifth day of December last, proposing amendments to the Constitution of the United States.

SIMON SNYDER.

Harrisburg, Jan. 20, 1813.

Communication from the Executive of North
Carolina.

Executive Office, North Carolina,
Raleigh, 4th of January, 1813.

Sir:

In pursuance of a resolution of the General Assembly of this state, I have the honor to transmit to you, the enclosed proposed amendment to the Constitution of the United States, relative to the election of Representatives to Congress, and the appointment of electors, to vote for President and Vice-President of the United States, and to request you to lay it before the Legislature of the state over which you preside.

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

[Signed] William Hawkins.

His Excellency, the Governor of Pennsylvania.

State of North Carolina,

In General Assembly, 5th of December, 1812.

Resolved unanimously, that our Senators in the Congress of the United States, be instructed, and our Representatives requested, to endeavour to obtain the following amendment to the Constitution of the United States, to wit:

That for the purpose of choosing Representatives in the Congress of the United States, each state shall by its Legislature, be divided in to a number of districts equal to the number of Representatives to which such state may be entitled.

Those districts shall be formed of contiguous territory, and contain as nearly as may be, an equal number of inhabitants entitled by the Constitution, to be represented. In each district, the qualified voters shall elect one representative, and no more.

That for the purpose of appointing electors of President and Vice President of the United States, each state shall by its Legislature, be divided into a number of districts, equal to the number of electors to which such state may be entitled; those districts shall be composed of contiguous territory, and contain, as nearly as may be an equal number of inhabitants, entitled by the Constitution to representation. In each district the persons qualified to vote for Representatives, shall appoint one elector and no more.

The electors when convened, shall have power in case any one or more of those appointed as above prescribed, shall fail to attend for the purposes of their said appointment, on the day prescribed for giving their votes for President and Vice-President of the United States, to appoint another or others, to act in the place of him or them so failing to attend.

Neither the districts for choosing representatives, nor those for appointing electors, shall be altered in any state until a census and apportionment of under it made subsequent to the division of the State into districts shall change the number of Representatives, and of electors to which such state may be entitled.

The division of the states into districts hereby provided for, shall take place immediately after this amendment, shall be adopted and ratified as a part of the Constitution of the United States, and successively afterwards, whenever by a census and apportionment of representatives under it, the number of representatives and of electors to which any state may be entitled, shall be changed; the division of such state into districts for the purposes both of choosing representatives, and of appointing electors, shall be altered agreeably to the provisions of this amendment, and no other occasion.

Resolved, That the Governor of this state, be requested to forward a copy of the preceding amend-

ment, to each of our Senators and Representatives in the Congress of the United States, and also to the Executives of the several states, accompanied with a request that the same may be laid before their respective Legislatures.

To the Assembly vetoing "An Act to incorporate the town of Orwigsburg, in the County of Schuylkill, into a Borough."

Fellow Citizens:

THE BILL ENTITLED, "AN ACT TO INCORPORATE the town of Orwigsburg, in the county of Schuylkill, into a borough," was presented to me on the 18th instant. After serious deliberation, I have now directed the Secretary to return the bill to the House of Representatives, in which it originated, with the following objections against its being enacted into a law:

1st. Because the 6th section authorizes the burgess judicially, to recover fines and forfeitures for the benefit of the corporation, incurred under borough ordinances, enacted in a legislative capacity, by himself, his assistants, or common council; thus vesting one and the same officer, with powers legislative and judicial; a principle inconsistent with both the letter and spirit of our frame of government.

2d. Because, inasmuch as no tribunal, possessing judicial powers, can exist in Pennsylvania, without the Executive's commission for that purpose to the officer. It becomes matter of great doubt, whether it is competent for the Legislature to vest in the incumbent of an officer, created by themselves, powers judicially to act.

3dly. Because, though it is not competent for one judicial tribunal to appoint the incumbents of another tribunal, possessing independently equal, or even minor powers: Yet does this bill authorize the court of quarter sessions, of Schuylkill county, in case of neglect by the inhabitants to elect their borough officers, forthwith to appoint the burgesses who, in conjunction with the common council, (also in that case to be appointed) have not only the right to legislate, but also judicially to decide on cases and facts arising out of borough ordinances made by themselves; powers transcending far those possessed by the appointing tribunal, or any other tribunal known to the constitution.

Independently of the above objections, there is another on the ground of expediency—because;

4thly. From the mandate of the tribunal created by the bill, however oppressive they may be, there is no appeal. There is no mode for redress whatever prescribed in the bill.

The responsibility and delicacy, always connected with the rejection, by the Executive, of the solemn act of the Representatives of the people, is, in the present case, much encreased, from the consideration, that provisions, similar to some of those that form the ground for objection to the passage of this bill, may heretofore, inadvertantly, have been sanctioned by Executive approbation.

SIMON SNYDER.

Harrisburg, Jan. 23, 1813.

To the Assembly stating the Governor's Reasons for refusing to grant a Warrant on the State Treasurer in favor of the Asylum Land Company for compensation to the Pennsylvania Claimants, with Documents in the Case, and recommending certain Measures relative thereto.

AN AWARD FOR \$5,759, MADE BY REFEREES, under the act entitled "An act supplementary to an act, entitled 'A further supplement to the act offering compensation to the Pennsylvania claimants, &c., &c.,'" passed the 3d day of March, 1812, in favor of the Assylum Land Company, against the Commonwealth,—duly authenticated by the prothonotary of Luzerne county, was transmitted to the State-treasurer, with a request, that the amount should be credited, by that officer, on a bond given by the company to the Commonwealth, for a transfer (under date of the 19th March, 1807,) to them of its lien on the real estate of John Nicholson: for part of which estate, compensation was made, as it appeared from the award. As this request could not lawfully be complied with, the award was returned to the company's agent, and it has since been presented to me, that a warrant might issue for the amount, agreeably to law. Having been apprised of the previous irregular application, and some other difficulties having suggested themselves, that are adverted to in the accompanying correspondence, I deemed it my duty to examine the company's claim on the Commonwealth.

Upon mature consideration I did, in the exercise of a necessary discretion, refuse my warrant on the State treasurer for the sum awarded, for the following reasons, viz:

1st. The company shewed no transfer of title to them from William I. Bell, in whom, by their own shewing, the title to most of the lands, for which

compensation is awarded, at one time lawfully was—nor could the company's agent, when here, give any satisfactory explanation on this point.

2d. In the case of one tract it appeared, on the face of the award, they claimed title under conveyance of a date subsequent to the commencement of the suit against the Commonwealth.

I herewith transmit copies of letters from the Auditor general to Mr. Hepburn, the attorney-general's deputy, and attorney in this case, and to Mr. David Scott, prothonotary of Luzerne county, with copies of their respective answers; also, copies of a letter from the same officer to Cadwallader Evans, one of the commissioners who transferred the Commonwealth's lien to the company, to which he has not replied.

While calling your attention to this particular case, under the act of the 3d of March, 1812, permit me to recommend a repeal, or suspension, of that act; for there is strong reason to believe, that its provisions have been made to extend to cases not within the intention of the Legislature; and that thus the extent of its operation may affect the State-treasury, to an amount far beyond any reasonable anticipation.

I recommend this measure with the more confidence, because the Legislature, on application, will fairly investigate the claims of the company, or of any individual who may be excluded by such repeal, or suspension.

I would recommend also, that original mesne conveyances, relative to lands for which compensation is awarded, under any of the acts authorizing Pennsylvania claimants to sue the commonwealth, be deposited by the plaintiff in the office of the Secretary of the Commonwealth, before he shall be entitled to the Governor's warrant for the sum awarded or adjudged. This precautionary measure is necessary to prevent

more than one suit and recovery for one and the same tract of land.

SIMON SNYDER.

Harrisburg, Feb. 9, 1813.

To the Assembly transmitting a Letter from General William Henry Harrison, commandant of the Northwestern Army, concerning the ranking of Pennsylvania Officers.

I TRANSMIT COPIES OF A LETTER TO ME FROM general William Henry Harrison, commandant of the North-western Army, under whom serve a brigade of Pennsylvania militia; suggesting as necessary, a provision by law, whereby the Pennsylvania officers may assume the rank to which, agreeably to the Articles of War, that govern the army of the United States, they are severally entitled, but of which (in his opinion) they are at present deprived. Though it is doubtful whether, by any Legislative provision, the embarrassment alluded to, can be removed: Yet, I make this communication with alacrity and much pleasure, because of the high opinion entertained, by that distinguished commander, of the zeal, patriotism, and undaunted valor, of our militia under his command, and for their cheerful obedience under many privations and hardships.

The Adjutant general, now at the seat of government, to whom was confided the organization of the detachment, will communicate, to any committee to whom the subject matter of this communication may be referred, any information that he may possess relative thereto.

SIMON SNYDER.

Harrisburg, Feb. 25, 1813.

To the Assembly approving an Act to grant extra compensation to the Pennsylvania Militia Serving under the Command of General William Henry Harrison.

I HAVE, THIS DAY, APPROVED AND SIGNED the following act of the General Assembly, entitled "An act to grant compensation for extra services, to the militia of this Commonwealth, now in service under the command of general William Henry Harrison," and directed the Secretary of the Commonwealth to return the same to the House of Representatives, in which it originated.

SIMON SNYDER.

Harrisburg, Feb. 27, 1213.

Proclamation declaring the election of Isaac Griffin as a Representative of the State of Pennsylvania in the United States Congress—1813.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judge of a special election held in the Counties of Fayette and Greene, on Tuesday, the sixteenth day of February last, in pursuance of Writs issued by me on the thirtieth day January last, under the authority of an Act of the General Assembly, passed the eighteenth day of February, one thousand eight hundred and five, it appears

that Isaac Griffin, Esquire has been duly elected to serve as a Representative of this State, in the House of Representatives of the United States, to supply the vacancy occasioned by the death of John Smilie, Esquire; And Whereas, in and by one other Act of the General Assembly, passed the second day of April, one thousand eight hundred and two, it is provided, that the Governor having received the return of such election, shall declare by Proclamation the name of the person, or persons to him returned as duly elected in each respective district.

Now therefore, I have issued this proclamation, hereby publishing and declaring that the said Isaac Griffin is duly elected and chosen a Representative of the people of this Commonwealth, to serve in the House of Representatives of the United States during the remainder of the term for which the said John Smilie was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburgh, this fifth day of March, in the year of our Lord one thousand eight hundred and thirteen, and of the Commonwealth the thirty-seventh.

By the Governor.

N. B. Boileau, Sec'y.

To the Assembly vetoing "An Act to establish a general System of Banking."

NOTHING LESS THAN THE MOST PERFECT conviction of my understanding and the strongest urgings of duty, could induce me to return, for re-consideration, a bill presented to me by the Legislature of Pennsylvania; with whom it has been my happiness to act in unison, and with whom even to differ in opinion gives me pain. I have, with an

anxiety proportioned to its importance, and with the deference justly due to the constituted authorities which have passed it, read and carefully examined the provisions, tendencies, and probable consequences of the bill, entitled "An act to establish a general system of banking," and cannot approve of it; and have accordingly directed the secretary of the Commonwealth to return it to the House of Representatives, where it originated, with the following objections:

First. Because corporations are privileged orders, vested with certain rights and immunities, not enjoyed nor, without penalties, to be exercised by the great body of the people. And whenever an association of individuals are legally vested with such peculiar powers and privileges, it ought to be either called for by the general voice of the people, or be so manifestly for the promotion of the public weal, and beyond the accomplishment of individual enterprise and ability, as to satisfy the judgment, and thus secure the votes of an indisputable majority of the whole legislative Assembly. This objection is founded on that equality of rights, which is the vital principle that pervades our constitution, gives it all its excellence, and dispenses the blessings which pre-eminently distinguishes the citizen of the United States.

Second. Because every objection which can be urged against corporations generally, gathers weight and strength when directed against monied institutions; the undue influence of which has often been the subject of well founded complaint. To wrestle with and put down this influence, new associations have been formed; applications for new charters for similar establishments have multiplied; and in proportion as they have been granted, has been the multiplication of new applications. These facts apply with peculiar force to the city of Philadelphia, where those institutions had their origin, in this country; but should

the system be enlarged, as contemplated by the bill under consideration, the evil will overspread the whole state, and it is much to be feared, will taint the purity of elections, and eventually prostrate the equal rights of the people.

Third. Because it is questionable whether too much has not already been done in granting to corporations the privilege to coin money—a money which, not answering the purpose of foreign commerce, drains the country of its precious metals, and in their lieu substitutes a currency which is without any value, except what is stamped by public confidence. The granting such an inherent right of sovereignty to individuals, avowedly associated to promote their pecuniary interests, is putting it in their power to increase the circulating paper medium of the country to such an extent as will result in depreciation of, or a total want of confidence in, bank paper: events too deplorable not to be deprecated by every good citizen.

Fourth. Because the most diligent inquiries, and information from the best sources, have satisfied me that the present banking capital of Pennsylvania is equal to the discounting all the good paper, which for many months has been offered, or will be offered during the continuance of the war in which we are engaged; and therefore the establishment of twenty-five new banks, dispersed all over the state, with a capital of 9,525,000 dollars would by the readiness to give credit, invite to visionary speculations; divert men from useful pursuits; damp the ardor of industrious enterprize, and consequently demoralize the community.

Fifth. Because, as banks are multiplied, so will be increased the difficulty of distinguishing real from counterfeit bank notes; thus facilitating the means of imposition upon the ignorant and unwary, and, by the hope of impunity, tempting more to join in commit-

ting the crimes, already too prevalent, of counterfeiting and passing counterfeit notes. At present the variety of designs and signatures to our bank notes are not so diversified, but what an attentive observer may, with tolerable certainty, discriminate between a genuine and a counterfeit note: but if twenty-five new institutions be privileged to issue paper money, each one selecting its own device, mode of execution, kind of paper on which it shall be printed, and each having its own officers to sign and countersign them, how difficult, how almost impossible, will it be, for our citizens to know when a piece of paper purporting to be worth five, ten, or one hundred dollars, be in fact worth any of those sums, or not worth one cent.

Sixth. Because, although petitions have been presented asking the incorporation of banks in some counties in the state, yet upon inquiry I have not learned that any application for the establishment of a system, so novel and extensive, has been made to the Legislature; nor has this want of expression of the public wishes in favor of such a system been made unequivocal by the votes of the Legislature. The bill was carried as appears from the journals, by a majority of one in each House: in neither branch of the Legislature had this bill a majority of the whole number if its members.

Seventh. Because the history of all nations that have authorized an extensive paper currency, and the experience of our own country, have furnished melancholy examples of the disastrous consequences which flow from such a system.

Eighth. Because a time of war is an unpropitious era to try experiments, particularly when those experiments may seriously affect the finances of the commonwealth, which now draws a revenue, more than equal to all its current expenses, from the bank stock which it owns in the banks already incorporated,

Ninth. Because, under all the circumstances, no material injury can result from the arrestation of the bill, until the next session of the Legislature; whereas, if it were now to pass into a law, it might produce evils not in the power of a subsequent Legislature to correct: because an act incorporating a company for the purposes of banking partakes of the nature of a contract, against the impairing of which there is a constitutional prohibition; for a provision wisely introduced into several laws lately passed, vesting associated individuals with corporate powers and exclusive privileges, authorizing a subsequent Legislature to repeal and annul such law, if the privileges thereby granted should at any time prove injurious to the community, happens, very unfortunately, not to have been introduced into this novel and important bill. At all events, if I am mistaken, misinformed, or in error, the representatives of the people, upon a review of the bill, can, if they think proper, give it effect, independently of executive sanction, by such a majority as would unequivocally express the public opinion, and designate it the law of the land.

SIMON SNYDER.

Harrisburg, March 19, 1813.

To the Assembly transmitting certain Documents concerning the proposed opening of Federal Street through the Navy Yard in the city of Philadelphia.

FROM THE ACCOMPANYING COPIES OF LETTERS to me from William Jones, secretary of the navy of the United States, and A. J. Dallas, attorney of the United States, for the district of Pennsylvania, you will learn the intention of the Government of the United States to build a 74 gun ship and a

Frigate, in the navy yard at Philadelphia. To the solicitation of these officers, at the instance of the President of the United States, to have suspended, by the Legislature, during the continuance of the war, for reasons by them urged, the opening of Federal street through the said navy yard, and the vacation of other projected streets, lanes, or alleys, I add my wish, that early attention may be given to this interesting subject.

SIMON SNYDER.

Harrisburg, March 20, 1813.

To the Assembly Concerning a State Loan.

THE ACCOMPANYING DOCUMENTS NO. 1, 2, 3, 4, shew what has resulted from my efforts to obtain on loan \$1,000,000, directed to be procured by an act of the present Legislature, entitled "An act authorizing the Governor of this Commonwealth, to subscribe to a loan opened by the government of the United States;" having for its object to aid the United States' government in the prosecution of a just and necessary war, to an honorable conclusion.

The answer of the president of the bank of North America, No. 2, to my agents' application, precludes it would seem, any prospect of a loan from that institution. By No. 3, it appears, that the Philadelphia bank consents to loan two hundred thousand dollars to the state; and the bank of Pennsylvania, as appears by No. 4, have resolved to loan to the state four hundred thousand dollars, "provided an authority now exists, or shall be given previously to the payment of the money which will justify the said loan." This suggestion of difficulty, on the part of the bank of Pennsylvania, and a condition annexed to the loan pro-

posed to be made by the Philadelphia bank, and a request by one of those banks, communicated by John Binns and David Atcheson, directors in said banks, on behalf of the state, whom I employed to transact this interesting business: that in order to enable the institution to convert stock into specie, should its interest require it, certificates of such stock are indispensable, has induced this communication. Full information on these and other points connected with the subject, being contained in Messrs. Binns and Atcheson's letter to me—I have subjoined copies thereof.

The suggested difficulties being removed by a supplement to the law authorizing the loan; there is a fair prospect, that what, with the loan proposed to be made by the Philadelphia and Pennsylvania banks, an anticipated loan from the Farmers and Mechanics' bank—Loans from individuals, or the application of unappropriated monies in the treasury—the patriotic wishes and intentions of the Legislature, will shortly be fully realized.

SIMON SNYDER.

Harrisburg, March 25, 1813.

To the Assembly transmitting a Letter from General St. Clair, expressing his Gratitude for the Aid afforded him by the Legislature of Pennsylvania.

SENSIBLE THAT I CANNOT, IN TERMS MORE appropriate, and more feelingly, than General St. Clair has done it himself, express the high and grateful sense he entertains of the aid, the people of Pennsylvania have afforded his declining years, as well as the generous manner in which it was done, by their

Representatives. I do, therefore, with much pleasure, lay before you copies of the General's letter to me.

SIMON SNYDER.

Harrisburg, March 27th, 1813.

Harrisburg, 25th March, 1813.

Sir:

I beg leave to present to you, my unfeigned acknowledgements for the readiness with which you concurred with the Legislature in their kind intentions towards me, and the promptitude with which you gave those intentions effect. They were, indeed, rendered doubly dear to me, from the noble manner in which they were executed; having been entirely unsolicited and even unknown to me. May I be permitted, sir, to convey to the two houses, through you, the grateful sense I have of their goodness, and that the remembrance of it, will be cherished to the latest hour of my life.

With sentiments of great respect, I have the honor,
Sir, to be, your obedient servant,

[Signed] A. St. Clair.

His Excellency Simon Snyder, Governor of Pennsylvania.

To the Assembly transmitting certain Government Requisitions.

I LAY BEFORE YOU, COPIES OF REQUISITIONS, made by the constituted authorities of the general government, for two detachments of militia, the one, for the defence of the city of Philadelphia and the shores of the Delaware, the other, for the protection of the navy-yard, established by the United States, at Erie, within the limits of Pennsylvania.

It is obvious, that under no provision of our existing militia system, can the required detachments be organized and officered, as is directed by the secretary at war. The embarrassment thus created, will, I trust, be removed by the Legislature.

SIMON SNYDER.

Harrisburg, March 29, 1813.

Proclamation declaring the election of John Rea as a Representative of the State of Pennsylvania in United States Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election held in the counties of Cumberland, Franklin and Adams, on Tuesday, the eleventh day of May instant, in pursuance of writs issued by me on the tenth day of April last, under the authority of an Act of the General Assembly, passed the eighteenth day of February, one thousand eight hundred and five, it appears that John Rea, Esq'r, has been duly elected to serve as a Representative of this State, in the House of Representatives of the United States, to supply the vacancy occasioned by the death of Robert Whitehill, Esquire; And Whereas, in and by one other Act of the General Assembly, passed the second day of April one thousand eight hundred and two, it is

provided, that the Governor, having received the return of such election, shall declare by proclamation the name of the person, or persons, to him returned as duly elected in each respective district: Now, therefore, I have issued this proclamation hereby publishing and declaring that the said John Rea is duly elected and chosen a Representative of the People of this Commonwealth, in the House of Representatives of the United States, during the remainder of the term for which the said Robert Whitehill was elected to serve.

Given under my hand and the Great Seal of the State, at Harrisburgh, this twentieth day of May, in the year of our Lord one thousand eight hundred and thirteen, and of the Commonwealth the thirty-seventh.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation declaring the election of Thomas Wilson as a representative of the State of Pennsylvania in United States Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the judges of a special election held in the counties of Beaver, Mercer, Crawford, Erie, Venango and Warren, on Tuesday the 4th day of May last, in pursuance of writs issued by me the 15th day of March last, under the authority of

an act of the General Assembly, passed the 18th day of February, 1805, it appears that Thomas Wilson, Esquire has been elected to serve as a representative of this State, in the House of Representatives of the United States, to supply the vacancy occasioned by the election of Abner Lacock, Esq'r, elected to the Senate of the United States; And Whereas, in and by one other act of the General Assembly passed the 2nd day of April, 1802, it is provided that the Governor, having received the return of such election, shall declare by proclamation the name of the person, or persons to him returned as duly elected in each respective district: Now, therefore, I have issued this proclamation hereby publishing and declaring that the said Thomas Wilson is duly elected and chosen a Representative of the people of this Commonwealth in the House of Representatives of the United States during the remainder of the term for which the said Abner Lacock was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburgh, this 2nd day of June, in the year of our Lord 1813, and of the Commonwealth the thirty-seventh.

By the Governor.

N. B. Boileau, Sec'y

Proclamation declaring the Election of Daniel Udree
and Edward Crouch as Representatives of Pennsyl-
vania in the United States Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



I N THE NAME AND BY THE AU-
thority of the Commonwealth of
Pennsylvania. By SIMON SNY-
DER, Governor of the said Common-
wealth.

A PROCLAMATION.

Whereas, by returns duly made by the Judges of special elections held in the District composed of the Counties of Berks and Schuylkill and in the District composed of the Counties of Dauphin, Lancaster and Lebanon, on Tuesday, the twelfth day of October last, in pursuance of writs issued by me on the third and eleventh days of September last, under the authority of an act of the General Assembly, passed the eighteenth day of February, one thousand eight hundred and five, it appears that Daniel Udree and Edward Crouch were duly elected to serve as Representatives of this State in the House of Representatives of the United States, to supply the vacancies occasioned by the resignation of John M. Hyneman and John Gloninger, Esquires; And Whereas, in and by one other Act of the General Assembly passed the second day of April, one thousand eight hundred and two, it is provided that the Governor, having received the return of such election, shall declare by proclamation the name or names of the person, or persons, to him returned as duly elected in each respective district. Now, therefore, I have issued this proclamation hereby publishing and declaring that the said Daniel Udree and Edward Crouch are duly elected and chosen as Representatives of this State in the House of Representatives of the

United States, during the remainder of the term for which the said John M. Hyneman and John Gloninger were elected to serve; the former for the district composed of the counties of Berks and Schuylkill, and the latter for the district composed of Dauphin, Lancaster and Lebanon counties.

Given under my hand and the Great Seal of the State at Harrisburg, this third day of November, in the year of our Lord one thousand eight hundred and thirteen, and of the Commonwealth the thirty-eighth.

By the Governor.

N. B. Boileau, Sec'y.

Annual Message to the Assembly.—1813.

Fellow Citizens:

NEVER HAS THE GENERAL ASSEMBLY OF Pennsylvania met at a period when duties more important were to be discharged, or rights more sacred to be defended. Since the last session of the Legislature, events the most interesting have followed one another in rapid succession. Our sister states, on the Lakes and on the Atlantic, have been invaded, and the capital of the union menaced by hostile fleets and armies. I am happy and grateful to say, that under Divine Providence, the savage invaders have been repelled; a territory has been restored to the union; our western fellow-citizens now sleep in safety, and pursue without fear their lawful occupations. The hands, dyed in innocent blood, which were uplifted to slay and scalp our fellow-citizens, are now raised to supplicate their mercy. The mighty fleets, laden with men and engines of destruction, which hovered on our coasts, infested our bays and rivers, and threatened to

lay our cities in ashes, have found it expedient to depart without having accomplished any other object than that of inflaming the public resentment and exciting the profoundest detestation, by their brutal inhumanity. Ill do they estimate the American people who presume that the wrongs done them can be consumed in the flames of defenceless villages, their resentment assuaged by the tears of their violated country-women, or their courage quenched by the blood of faithlessly massacred prisoners. The heart sickens, but the arm is invigorated at the recollection of the scenes of barbarism which have been exhibited on our Lake frontier and our Atlantic borders. The implacable hatred of the enemy and his desire to do evil, have been sufficiently manifested, but his power has been found more impotent than had been imagined; nor have the privations of the nation been at all proportioned to what was expected; much less have we suffered the manifold calamities which the fears of the timid or the treachery of the factious had pourtrayed. But if all that had been predicted had been inflicted, I trust and believe the fortitude and valor of Americans would have borne them without a murmur, and that the same virtues would conduct them to victory and safety. When war was declared, the people of the United States knew that they must breast its dangers and overcome its difficulties, and they prepared accordingly; they unsheathed the sword, not to do wrong, but to compel right; and they know the value of the rights for which they contend too well ever to abandon them.

For thirty years was the attention of our government and of our people solely directed to cultivate the arts of peace, as congenial with the principles of the former as they are with the disposition of the latter. Scarcely was the theory of military tactics studied, and the happy situation of our country precluded equally

the necessity of practice. To these circumstances, and the having to contend with a foe inured to war, blood and desolation, it is owing that we met with partial reverses. Disasters and defeats are incidents to all wars; they were anticipated. We could not expect to be exempt from the lot of other nations; but, as we have more at stake than any other people upon earth, so unshakingly and undismayed ought we to meet misfortunes, as to convince the enemy that our spirit is as unconquerable as our cause is just. And as the prowess of our military officers is rapidly developing, and the discipline of our force constantly improving, there is rational ground for confidence that with the blessing of Heaven, our efforts will result in a complete triumph over our enemies. As a prelude, we refer with pride to the glorious victory on Lake Erie, which, if ever equalled, was in naval warfare, never excelled—a victory, not less brilliant in its achievement than important in its effects; nor less honorable to the nation, than to the highly distinguished Perry who commanded, and the brave officers and men who composed that heroic force. Already is the brow of the young warrior Croghan, encircled with laurels, and the blessings of thousands of women and children rescued from the scalping knife of the ruthless savage of the wilderness, and from the still more savage Proctor, rest on Harrison and his gallant army. Chauncey, though not equally successful with the renowned hero of Lake Erie, has sought and deserves to be so. On that element claimed by Britain as her exclusive domain, the American flag waved triumphant in every equal conflict. The infant navy of the United States has given a deep, can we not with truth say, a mortal wound, to the fell monster of the deep. With these truths before us, can it be deemed presumptuous to hazard the prediction, that the so lately (by the tyrant of the ocean) despised American navy, is destined com-

pletely to humble his pride, controul his power, and coerce him to respect justice and the rights of independent nations. Were it not the province of another, upon which I should regret to intrude, it would be delightful further to further dwell upon this proud and resplendant page of our history.

The state of the Commonwealth of Pennsylvania is in every point of view gratifying; our treasury is more full than at any former period, and the receipts of the last year greater than that of any former. In the treasury remains, as you will perceive by an exhibit to be made of our financial concerns by the accountant department, an unexpended balance of more than three hundred and forty-six thousand dollars. The produce of the earth has been abundant. All our old manufactures are thriving, and many new ones are introduced and in a prosperous way. These, however, we may deprecate and deplore the calamities of a protracted war, will console us with a prospect of permanent and extensive manufacturing establishments, equal to our wants and such as will insure the real and practical independence of our country. The erection of bridges, the completion of roads and the clearing of lands, shew the general welfare; and the recent elections not only throughout this state, but all our sister states, demonstrate the increase of public confidence in the general government, and the determination also of the people to support the war with all their energies until an honorable peace can be obtained. That no effort has been left untried to attain this desirable object, will, I am confident, be satisfactorily shewn by the chief magistrate of the union in his communication to congress.

In obedience to requisitions from the president of the United States, a third and a fourth detachment of Pennsylvania militia, of 1,000 men each, were ordered into the service of the union. The fourth detachment

was to protect the shores of the Delaware, and the third to protect the vessels of war then building and equipping in the harbor of Erie, in this state. The happy result of this service is amply manifested in the glorious victory to which I have alluded and the consequences that have flowed from it.

The organizing and officering these detachments, agreeably to the directions of the secretary at war, was attended with considerable difficulty, arising out of the inefficiency of our militia law, and the discordance between our military system and that of the United States. The many defects of our system render a complete and thorough revision not only desirable and expedient, but indispensable. A conformity with the organization and regulations of the army of the United States would facilitate the detaching for service any requisition which may hereafter be made, and prevent many of those contests between corps and officers for rank and precedence, which have too frequently tended to injure the reputation of our citizen soldiers, and the public service. The strong presumption that early in the spring and during the summer the enemy will invade for the purpose of plunder and devastation, the shores of the Delaware, is, independent of all other considerations, motive sufficient to induce the adoption of all the precautionary measures which prudence and foresight can suggest. The purchase of arms and ammunition and the encouragement of efficient volunteer corps, would certainly tend to inspire confidence as well as multiply the means of resistance. Circumstanced as we are, one of our most imperious duties is to give the state an energetic militia law; our constituents expect it, and our country demands it. Shall we disappoint expectations so just, demands so reasonable? In the message I had the honor to transmit to the Legislature under date of the 7th December, 1809, I submitted my opinion, on this subject, so

fully that I cannot deem it necessary now to occupy your time with further details.

Amongst the measures adopted by the general government for supporting the just and necessary war in which the nation is engaged, is a direct tax upon property. Possessing as our state does, the means, I cannot doubt the disposition of her Legislature to give effect to her repeated professions, by appropriating a portion of her treasure for the commutation and prompt payment of the state's quota of that tax. Interest and patriotism unite so obviously in recommending this measure, that the executive would not have recurred to it, were it not for the necessity there is that the subject should be legislated upon without delay. The 7th section of the act imposing that tax, provides that each state which determines to pay its quota, and thus avail itself of the fifteen per cent. deduction, must give information thereof to the treasury department of the United States, on or before the 10th day of January next.

At no period of our history has the immense importance of internal navigation been so strikingly exemplified as since the commencement of hostilities. The transportation of produce and the intercourse between citizens of different states, which knit more strongly the bonds of social and political union, are greatly retarded, and through many of the inaccustomed channels entirely interrupted, by the water craft of the enemy sinking, burning, and otherwise destroying the property which it cannot appropriate to its own use. The clearing and improving our rivers and creeks, and connecting them by canals would afford us a safe, cheap and expeditious mode of transportation, in defiance of the thousand ships of our enemy. Permit me to hazard the opinion, that less than one-half the treasure expended by the United States for the protection of foreign commerce, if combined with state and individual

wealth and judiciously expended, would have perfected an inland water communication from Maine to Georgia. Though the accomplishment of so extensive a work may be distant, yet much may be done towards it. Pennsylvania has the means, and I trust its Legislature the disposition to appropriate them, towards perfecting one of the great links of the chain, by connecting the waters flowing into the Chesapeake with those of the Delaware.

The preservation of morals and our free institutions, together with the true interests of humanity, would be much promoted and their perpetuation secured by the general diffusion of knowledge amongst all our citizens. A solemn injunction contemplating these important objects, by the establishment of schools throughout the state, though contained in the instrument from which the departments constituting the government derive their powers, remains yet to be fulfilled, on the broad plain and liberal principles which actuated those who enjoined the duty. The laws in force have done much good; a careful revision of them would probably do much more, by extending the benefits of this important branch of republican polity.

The sale of unseated lands for taxes has ceased to be a source of revenue in some counties, because the coercing payment under the present laws is unpopular and inefficient. I would suggest a forfeiture to the Commonwealth of all such lands, the owner for a short period of time, to have the right of redemption, on payment of a double tax; the penalty in case of redemption, and the whole value of the land in case a forfeiture becomes absolute, to form a school fund. Such a provision would remove the odium attached to the present procedure, and the liberal minded sufferer would console himself by reflecting, that his want of attention had contributed to the promotion of a plan equally humane and patriotic.

Four years existence has proved the practical excellence of the arbitration principle, which is now incorporated with and in a great measure pervades our civil code. It is generally resorted to by the honest suitor whose object is to have an early and economical termination of a controversy. Amongst the many satisfactory results from the system, is the almost immediate lien which the vigilant plaintiff creates on the estate of the defendant, without doing him the slightest wrong. The defects of the law are, if any, in the detail. The local experience, collected by and concentrated in the Legislature, will dictate and secure appropriate remedies.

Permit me to suggest, that the law which directs the two verdicts rendered one way and judgment thereon, shall be conclusive on the parties litigant as to real estate is, by the latter requisite, rendered almost inoperative; the frequent setting aside the verdicts of juries perpetuates the evil intended to be remedied by that wholesome provision. Experience has shewn that many rules of court and rules of evidence become arbitrary and subversive of justice by their application to cases of a peculiar nature, and unfitted for the application of general rules. It may elucidate, and perhaps mitigate the harshness of the preceding observation, to state one case of hardship from among many which occur:—written depositions, upon which principally a plaintiff may have recovered on a first trial, will not be permitted to be read in evidence on a second trial, for no other reason but because the party who had been plaintiff in the first suit, happens to be defendant on the second trial; in every other respect the cause is the same throughout and in all its bearings, and the controversy about the same property. Is there not in such decisions something repulsive to the dictates of common sense? And would it not be promotive of justice to direct that in all cases

"necessity, either absolute or moral, shall be sufficient ground for dispensing with rules of court and of evidence?"

The able and elaborate report of the attorney general on the subject of criminal jurisprudence, well merits an early attention. Its philanthropic principles will I doubt not animate the new system, which humanity anticipates as the result of your deliberations.

Agreeably to a late decision of our supreme court, it would seem that in a case of larceny committed in an adjoining state, the offender if he flies hither and brings with him the property stolen, cannot be here punished. Under this decision, which is now considered settled law, some daring offenders have already escaped; and if such a practice be continued it will encourage theft in the adjoining states in proportion as the impunity afforded by our courts become known. This rule of action thus laid down by our supreme court, must become still more alarming and injurious if extended, as it is presumed it must be, to the receivers of such stolen property. It would seem, also, that the efficacy of the writ of habeas corpus is much weakened by the act of the 3d April, 1809, defining contempts of court. For the information of the Legislature on this subject, I shall shortly transmit extracts of a letter from the attorney general, shewing the inefficiency, and pointing out also defects in that important law, the habeas corpus act.

The frequent applications made for pardons for convicts sentenced to imprisonment at hard labor, founded solely on the want of apartments wherein to employ them, and of necessary tools and materials, point out the necessity of an imperative injunction on county commissioners to provide the requisite means for the attainment of the ends contemplated by our humane penal code. The case of an unfortunate fellow mortal

now under sentence of death, and who has from the most conscientious motives been twice respited, impels me to state to you my fellow-citizens, that in Pennsylvania, famed for the justice and mildness of her penal code, where a contest for six dollars has the full scope of legal investigation extended even to the supreme judicial tribunal of the state; yet, when the life of a citizen is at stake, he shall be hurried through all misapprehensions of witnesses and jurors and errors of courts, to an untimely and disgraceful death. For him there is no court of revision, of errors or appeals, nor has he any remedy other than in the mercy of the executive, and that remedy is an absolute pardon; the justice of which must be often doubtful, and would sometimes be culpable. To your judgment and feelings it is submitted, whether essential alterations ought not to take place in this system.

Horse racing, a vice of the most baleful kind, both as to its immediate and consequent effects on morals, continues to be predominant over the laws making penal that cruel and unchristian sport. In despite of the magistracy and the efforts of other good citizens, the laws are violated with impunity, because of the extreme difficulty to prove facts essential to a conviction, which ingenuity is never at loss to conceal. I beg leave to reiterate the opinion, that a forfeiture of the animal brought for the purpose of racing on any ground, is the most effectual mode to stay the mischief.

Much mischief to the morals and to the industry of the state is likely to result from the flood of paper thrown into circulation by unincorporated banks. That this is done in despite of an existing law, is too obvious to have escaped your notice. The objections which I felt it my imperious duty to submit to your predecessors against the passage of a general banking law, and to which I beg leave to refer you, apply with double force against the practices now pursuing by

unauthorized associations throughout the state. The hand of an independent, disinterested and enlightened Legislature will, I trust, correct the evil.

Tavern licenses, regarded as sources of revenue, from the sameness of the sum paid for them throughout the state, with the exception of the city of Philadelphia and some contiguous places, operates very unequally, when we compare the emoluments arising from houses of entertainment in different districts of the state. The sum to be paid into the treasury ought to be in proportion to the benefit derived from the privilege granted. A discrimination, founded on some general principle, suppose on the rent paid or the value assessed on the premises occupied as a tavern; such a scale of prices would be more equitable and would in all probability be productive of other advantages besides those connected with the treasury.

The provisions of a resolution of a late Legislature have resulted in the accumulation of materials believed to be amply sufficient for the formation of an explicit fee bill. It is due to the people and to the public officer, that fees of office for similar services should be uniform, and in no case should the sum to be paid depend on the distretion of the officer receiving or the individual paying. I would suggest also the establishing by law of the pay and other expenses to be allowed sheriffs for the transportation of criminals to the Philadelphia prison, as a measure calculated to prevent embarrassment in the accountant department.

The number of new counties which have been erected out of old ones has so entirely deranged the districts heretofore established for the appointment of justices of the peace as to render difficult a compliance with the constitutional injunction, that a competent number of those officers shall be commissioned in convenient districts. Inconvenience is also felt in all of the counties lately organized for judicial purposes, to which the

law of 4th of April, 1803, does not extend. A new law containing similar provisions to the law just referred to, has therefore become necessary.

The threatening attitude assumed by the enemy on Lake Erie and on the Delaware, induced the expenditure of a portion of the fifty thousand dollars placed by the Legislature at the discretion of the executive. It has been appropriated to the repairs of arms, the purchase of ammunition and camp equipage. An account of it and of the monies expended as additional compensation to those of our militia who had faithfully served under any of the requisitions of the president of the United States will, so soon as the proper department shall have been furnished with necessary vouchers, be laid before you; and also an account of expenses incurred by the call of major-general Mead, on the first brigade of his division, for the defence of the U. States flotilla then in the harbor of Erie.

The million dollars authorized by a law of the last session to be subscribed to the loan, opened by the United States' government, has not been subscribed; the time necessarily consumed in enacting the provisions deemed necessary by some of the banks before they would pay over the sums they proposed to loan the Commonwealth so far delayed the completion of the loan required by the state, that the books for receiving subscriptions to the loan of the United States were closed before a copy of the supplementary law passed by the Legislature could reach Philadelphia. Full information of everything done by the agents I had appointed to negotiate and complete the loan, subsequent to my communication of the 25th of March last, shall be laid before the Legislature.

Agreeably to a law of the last Legislature, a plan has been approved for an arsenal in the city of Philadelphia, and a contract for its execution formed, now nearly executed. The various other duties enjoined

on the executive by laws and resolutions, have, I trust, been performed in a spirit correspondent with the motive that dictated the several injunctions.

I have thus, fellow-citizens, explicitly communicated such information and recommended such measures as experience and reflection have suggested; and it will be gratifying to my feelings, and I trust not injurious to the interests of our constituents, if you, agreeing in opinion with me, shall sanction with your approbation the measures I have suggested. If we differ as to the policy or expediency of any particular measure, I am sure it will be an honest difference; and mutual respect will teach us to give credit to each other for upright intentions, pure motives and conscientious convictions, emanating from patriotic principles. Your selection from, and residence in, the various districts of the state have given you such opportunities of knowing the wants and wishes of the people, and assemble in you such a body of information, of public feeling and public opinion, as never can be collected under any other than a republican form of government, and truly impress you with the character of representatives of the people, and secures for you that respect and confidence which necessarily attaches to so important a station. I shall at all times cheerfully cooperate with you in the adoption of any measure calculated to promote the freedom, interest or happiness of our constituents.

SIMON SNYDER.

Harrisburg, Dec. 10, 1813.

To the Assembly Transmitting Certain Documents.

I HAVE DIRECTED THE SECRETARY OF THE commonwealth to lay before you copies of letters, of the agents appointed to negotiate a loan of a million of dollars for the use of the government of

the United States, authorized by an act of the Legislature of last session; a copy of a letter from the secretary of the treasury, and also an extract of a letter from the attorney general of this commonwealth relative to the habeas corpus act, being the documents alluded to in my communication of the 10th instant."

SIMON SNYDER.

Harrisburg, December 15, 1813.

Proclamation of reward for the Apprehension of the murderer of Matthew Henderson, of Philadelphia.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that on the night of the twentieth of December last, a daring and atrocious murder was committed within the city of Philadelphia, on the body of a certain Matthew Henderson, by some person or persons unknown: And Whereas, the reputation of the Government, the peace and security of its citizens, and the obligations of justice and humanity require that the perpetrators of offenses so heinous should be brought to speedy and condign punishment; I have, therefore, thought it proper to issue this proclamation hereby offering a reward of two hundred dollars to any person, or persons, who shall apprehend and secure within any jail of this Commonwealth the person or persons who have

committed the said crime, if brought to trial and conviction. And all Judges, Justices, Sheriffs, Coroners, Constables, and other Officers within this Commonwealth, according to the duties of their respective Offices and Stations, are hereby required and enjoined to be attentive and vigilant in enquiring after, and bringing to justice the perpetrator or perpetrators of the said crime.

Given under my hand and the Great Seal of the State, at Harrisburgh, this twenty-first day of January, in the year of our Lord one thousand eight hundred and fourteen, and of the Commonwealth the thirty-eighth.

By the Governor.

N. B. Boileau, Sec'y.

To the Assembly recommending an Alteration in the Militia Law and transmitting certain Documents.

THE SUPPLEMENT TO THE MILITIA LAW passed by the last legislature, authorizing the organization and officering detachments of militia designated for the service of the union, in conformity to the laws, rules and regulations of the army of the United States, has, in practice, created much unnecessary expense, by marching of many officers to the place of general rendezvous who must return as supernumerary.

I would suggest the authorizing by law, the designation at the place of brigade rendezvous, of those of the officers below the rank of major who are to serve; such a provision would not only save much useless expense, but prevent also occasional unpleasant feelings among the officers; but of a recent requisition by the President for a fifth detachment of Pennsylvania militia, has grown this communication to prevent a recur-

rence such as is alluded to; an early attention will be required.

I have also directed the secretary to lay before you copies of a letter from the Governor of the state of Tennessee, together with a resolution from the legislature of the said state, proposing an amendment to the constitution of the United States.

SIMON SNYDER.

Harrisburg, February 2, 1814.

Communication from the Governor of Tennessee.

Nashville, January 1, 1814.

Sir:

In compliance with a request of the General Assembly of the state of Tennessee, I have the honor to transmit to your excellency a copy of their resolution, adopted on the 17th of October last; and request that you will submit it to the consideration of the legislature of the state over which you preside: And have the honor to be,

Very respectfully,

Your obedient servant,

[Signed] Willie Blount.

The Governor of Pennsylvania.

State of Tennessee.

In General Assembly,

October 17, 1813.

Resolved, by the General Assembly of the state of Tennessee, That our senators in congress be instructed, and our representatives requested, to use their best endeavors to prevail upon congress, to propose to the several states for their adoption, an amendment to the constitution of the United States; so as to reduce the term of service of senators in congress from six to four years, from the time they enter upon the duties of their appointments.

Resolved, That the executive of this state be requested to transmit a copy of the foregoing resolution to each of our senators and representatives in congress, and to each of the executives of the several states, with a request that they submit it to the consideration of their respective legislatures.

To the Assembly concerning the Militia on the Lake Frontier.

AN IMPRESSION THAT THE REPRESENTATIVES of the people of Pennsylvania, should early be informed of the effects produced by any law of an experimental nature, induces the transmission to you, of what has resulted on the Lake frontier, out of the exercise of a discretionary power vested in certain military officers, by an act of the legislature, entitled "A further supplement to the act for the regulation of the militia of the commonwealth of Pennsylvania," passed 29th of March, 1813.

The difficulty to separate what may be essential from that which may be deemed not to be so, from out of a pretty voluminous correspondence, has induced the transmission of entire letters, containing matter probably not relevant.

Some papers deemed unimportant are not transmitted; these and any documents connected with proceedings under the said law, this last summer, will be open to the inspection and perusal of any committee of the legislature; or if required will form the subject of another communication.

The not anticipated effect, proceedings under the said law have already had, and if necessary to be continued, may yet have on our finances, is an additional

reason why this communication should be promptly made.

SIMON SNYDER.

Harrisburg, February 7, 1814.

To the Assembly transmitting a Letter from Michael Leib, resigning his seat in the Senate of the United States.

I HASTEN TO LAY BEFORE YOU COPIES OF A letter from Michael Leib, Esq., to me, which I received by mail yesterday, purporting to be a resignation of his seat as one of the senators representing this state in the Senate of the United States.

SIMON SNYDER.

Harrisburg, February 18, 1814.

Resignation of Senator Leib.

Philadelphia, Feb. 14, 1814.

Sir:

Having accepted an office under the government of the United States, I tender you the resignation of my seat in the Senate of the United States, which you will please to communicate to the General Assembly.

Accept assurances of my high consideration and Respect.

[Signed] M. Leib.

Simon Snyder, Esq., Governor of Pennsylvania.

To the Assembly transmitting a Letter from the Secretary of State, and recommending Legislation to Enable Certain British Prisoners of War to be Confined in the Philadelphia Penitentiary.

THERE IS NOT BY ANY EXISTING LAW VESTED in the executive, an authority such as is requisite to a compliance with the request of the secretary of the state of the United States, of which a

copy is herewith transmitted to each branch of the legislature. Its importance will ensure it an immediate attention by a General Assembly which has already given proofs of its zeal, to promote by every just and honorable mean the great objects for which the nation is contending.

SIMON SNYDER.

Harrisburg, March 2, 1814.

Department of State,
February 23, 1814.

Sir:

The conduct of the enemy in seizing and transporting to Great Britain, for trial as traitors, under a claim of perpetual allegiance to the British sovereign, certain American prisoners of war, having compelled the government of the United States to resort to a just and indispensable measure of retaliation; and certain British prisoners having been with that view taken into close custody, as hostages for the safety of the American prisoners thus seized and transported, the President requests that you would authorize them to be received and confined in the penitentiary at Philadelphia, whither they will be conducted without delay, and placed under the general superintendance of John Smith, Esq., the marshall of the U. States, for the district of Pennsylvania.

I have the honor to be with great consideration,

Sir, your obedient humble servant,

[Signed] James Monroe.

His excellency Simon Snyder, Governor of the Commonwealth of Pennsylvania.

To the Assembly vetoing a Bill entitled "An Act regulating Banks."

THE BILL, ENTITLED "AN ACT REGULATING Banks," was presented to me for my approbation on the 9th instant. I have given to its consideration all the faculties of my mind, and the feelings of my heart, and I regret to say that my convictions of duty to the community will not permit me to approve of its passage into a law. In returning the bill, as I do, for re-consideration, I respectfully refer the legislature to the objections transmitted, March 19th, 1813, against the bill, entitled "An act to establish a general system of banking." Those objections apply to the present bill with additional force, because it contemplates the establishment of a much greater number of money-coining institutions; thus spreading, further and wider, the baleful effects which I cannot but think inevitable from such an establishment.

In addition to the objections on the journals of last session I will briefly remark, that although the system proposed then, and this session enlarged upon, has been a year before our fellow-citizens, yet have none of them requested that it should become a law of the state. And I cannot divest myself of the fear that if it should become a law, it would tend only to enrich the wealthy and the speculator, while it would in various forms heap burdens on the poor and the industrious. Permit me to hazard an opinion that changes of law have a great effect in a popular government to weaken its force, by preventing or destroying habits. A steady operation gives force to laws, and the government acquires dignity and respect in proportion to its uniformity of proceeding. This bill, I presume to say, will produce in society an unhappy effect. It legalizes the acts of illegal associations, and thus proves the weakness of the government: nay,

it carries on its face a warrant for the infraction of the restrictive provisions therein contained, and in my opinion goes far to encourage the infraction of all law. It is a fact well ascertained that immense sums of specie have been drawn from the banks in Pennsylvania and certain other states, to pay balances for British goods, which eastern mercantile cupidity has smuggled into the United States. The demand for specie has in consequence been and still is so great, that the banks in Philadelphia and in some other parts have stopped discounting any new paper. I ask a patriotic legislature, is this an auspicious era to try so vast an experiment? Shall we increase this pressure? Shall we indirectly aid our internal and external enemies to destroy our funds and embarrass the government, by the erecting of forty-one new banks, which must have recourse for specie to that already much exhausted source?

Is there at this time an intelligent man in Pennsylvania who believes that a bank note of any description is the representative of specie? Is there not great ground for fear, a knowledge that forty-one new banks, having a nominal capital of more than seventeen million of dollars, upon the bare payment of one-fifth part, shall have the right (the inclination to do so cannot be doubted, under the predominant spirit of speculation) to throw into circulation an additional overwhelming flood of paper, and thus totally destroy the remaining confidence in that medium? And will not a hoarding of specie and a ruinous depreciation of bank notes, be the natural consequence of such a state of things?

On the ground of principle, generally, I may confidently say that industry is the only permanent source of wealth. It secures subsistence, and advances our interest by slow, yet sure and regular gains, and is the best preservative of morals. Not so speculation (which this bill seems to invite;) it has the direct con-

trary effect: depending on no fixed principles, it opens a field for the exercise of ingenuity, ever on the alert to take advantage of the unwary in the accidental variation of things. The success of the speculator by profession, tempts the farmer and mechanic to forsake his accustomed honest pursuits. Launched on the wild sea of speculation; ever exposed to deviations from rectitude, his moral principle becomes weakened, and eventually all sense of commutative justice is destroyed.

Thus impressed as to the probable consequences of the bill, if enacted into a law, I should betray the trust reposed in me by my fellow-citizens if I were to approve its passage. To differ from the representatives of the people is painful to me, but to shrink from a responsibility which I consider myself in conscience bound to assume, would be criminal. I decline stating any objections which may have arisen out of the fluctuation of opinions amongst the members of the General Assembly during the pendency of the bill under consideration, and refer to them only to shew how the hopes and fears of the members themselves were raised and depressed and their opinions altered, by circumstances which could not at all influence others.

The bill is returned for re-consideration, under the most perfect convictions that my duty to our common constituents, to the state and the union, requires me so to return it. Duly respecting the judgment and motives of the legislature, and trusting to their liberality in viewing my conduct.

I remain their fellow citizen,

SIMON SNYDER.

Harrisburg, March 19, 1814.

Proclamation of Reward for the Apprehension of the
Murderer of Isaac Wills, of Harrisburg.

Pennsylvania, ss:



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By **SIMON SNYDER**, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that on the night of Tuesday the 26th day of April last, a daring and atrocious murder was committed within the Borough of Harrisburgh, in the County of Dauphin, in this Commonwealth, on the body of a certain Isaac Wills, by some person, or persons, unknown; And Whereas, the reputation of the Government, the peace and security of its Citizens, and the obligations of justice and humanity require, that the perpetrators of offenses so heinous should be brought to speedy and condign punishment; I have therefore thought it proper to issue this proclamation, hereby offering a reward of two hundred dollars, to any person or persons who shall apprehend and secure within any jail of this Commonwealth, the person or persons who have committed the said crime, if brought to trial and conviction: And all Judges, Justices, Sheriffs, Coroners, Constables and other Officers within this Commonwealth, according to the duties of their respective Offices and Stations, are hereby required and enjoined to be attentive and vigilant in inquiring after and bringing to justice the perpetrator or perpetrators of the crime aforesaid.

Given under my hand [and the Great] Seal of the State, at [Harrisburg this] sixth day of May in the

[year of our Lord] one thousand eight hundred and fourteen, and of the Commonwealth the thirty-eighth.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation Appointing a Day for Fasting and Prayer.

Pennsylvania, ss:

[Signed] Simon Snyder.



BY SIMON SNYDER, GOVERNOR of the Commonwealth of Pennsylvania.

A PROCLAMATION.

It having pleased the sovereign Ruler of the Universe in the course of his just and wise Providence to visit our country with the calamities of a desolating war. And believing that mercy is a distinguished attribute of the Deity, that he exhibits his strange work of Judgments by the infliction of chastisements upon his creatures, because of their sin and rebellion against his holy laws, for the benign purpose of bringing them back to him the author and giver of all good. It therefore becomes the duty of those under the manifestations of his displeasure, seriously to enquire wherefore he has a controversy with them, and to humble themselves before him on account of their manifold transgressions, repent and turn from their evil ways and implore him for pardoning mercy. And whereas, it has been recommended by the General Assembly of the Presbyterian Church of the United States to observe the third Thursday of August next as a day of humiliation, fasting and prayer: And it having been intimated

as desirable that the Executive of this State should recommend to the people thereof the observance of that day for those solemn religious purposes.

In accordance therefore with the intimation aforesaid, I do hereby earnestly recommend to Christians of every denomination throughout this Commonwealth that laying aside as far as practicable all worldly avocations, they observe the third Thursday of August next as a day of humiliation, fasting and prayer, devoting it to the religious exercises of sincere confession of their sins, humbly to ask for divine grace to enable them truly to repent of them, to implore pardon and forgiveness, through the mediation and atonement of the Redeemer; that he would pour out plentifully the effusion of his holy spirit on all people, cause a general revival of true and vital piety. That God would take our beloved country into his holy keeping, defend and protect us from the ravages of foreign and savage foes and the evil machinations of our internal enemies, that he would go forth with our armies and cover them with his shield in the day of battle, that he would speedily restore to us the blessings of peace with the full and permanent enjoyment of all our just rights and privileges, both civil and religious. That he would hasten that blessed period when nation shall no longer rise up against nation, when the cruel art of war shall no longer be learned or practiced, and the horrid instruments of destruction be converted into the instruments of peaceful industry.

And that the good people of this Commonwealth accompany their supplications with the grateful sacrifice of praise and thanksgiving to the Father of mercies for his unremitted goodness in mingling with his judgments so many blessings both of a spiritual and temporal nature.

Given under my hand and the Great Seal of the State at Harrisburg, this twenty-eighth day of July, in the

Year of our Lord one thousand eight hundred and fourteen, and of the Commonwealth the thirty-ninth.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation of Reward for the Apprehension of Certain Incendiaries in and near Pittsburgh.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that certain incendiaries have destroyed the property of several inhabitants in the vicinity of Pittsburg; and have distributed anonymous letters, demanding money, and in case of refusal threatened to burn the town and poison the waters therein.

And whereas the reputation of the Government, the peace and security of its Citizens and the obligations of justice require that the perpetration of offenses so flagrant in their nature should be brought to speedy and condign punishment; I have therefore thought proper to issue this proclamation, hereby offering a reward of five hundred dollars, to any person or persons who shall apprehend and secure within any jail of this Commonwealth the person or persons who have committed the said offenses if brought to trial and conviction, and all Judges, Justices, Sheriffs, Coroners, Constables, and other officers within this Common-

wealth, according to the duties of their offices, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the perpetrator or perpetrators of the crimes aforesaid.

Given under my hand and the Great Seal of the State at Harrisburg, this thirteenth day of August, in the year of our Lord one thousand and eight hundred and fourteen, and of the Commonwealth the thirty-ninth.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation continuing all Appointments under the Executive until further Notice.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, the Speaker and Members of the Senate, and the Speaker and Members of the House of Representatives, of the General Assembly of the said Commonwealth of Pennsylvania, have duly certified, that the said Speaker of the Senate did on the nineteenth day of December instant, in the chamber of the House of Representatives, in the Borough of Harrisburgh, open and publish the returns of the late election of a Governor of the said Commonwealth, in the presence of both Houses of the Legislature, conformably to the Constitution of the said Commonwealth, and that

upon counting the votes by a Teller appointed from each House it appeared that Simon Snyder had a majority of votes; whereupon the said Simon Snyder was declared to be duly elected Governor of the said Commonwealth, and having first taken the oath of office was accordingly on this twentieth day of December proclaimed Governor thereof. Now in pursuance of the power and trust to the Governor of this Commonwealth by the constitution and laws granted and confided, and for preventing all failures in the administration of justice, I the said Simon Snyder have deemed it expedient to issue this proclamation; hereby confirming and continuing all appointments made, and all commissions heretofore lawfully issued, and which were in force on this day, until the said appointments and commissions, or any of them, shall be by me superseded and annulled. And all officers holding appointments and commissions during the pleasure of the Executive Magistrate of this Commonwealth are required before the expiration of forty days to enter into new bonds with sufficient sureties, for the faithful performance of their respective offices, in such cases as the laws require bonds and sureties to be given. And I do further direct and enjoin all public officers engaged in the several departments of the Government, to proceed with diligence and fidelity in the performance and execution of the duties of their respective stations, so as most effectually to promote and secure the interest, peace and safety of the Commonwealth.

Given under my hand and the Great Seal of the State at Harrisburg, this twentieth day of December, in the year of our Lord one thousand eight hundred and fourteen, and of the Commonwealth the thirty-ninth.

By the Governor.

N. B. Boileau, Sec'y.

Annual Message to the Assembly—1814.

Fellow Citizens:

SINCE THE ADJOURNMENT OF THE LAST LEGISLATURE, events have occurred of a character more interesting and impressive than any to be found in our annals for the last thirty years. Nor has the history of the old world been less eventful or imposing. The extraordinary overturnings and raising up of thrones in Europe and the elevation and prostration of royal families, have been so wonderful, rapid and unexpected, as to excite our profoundest astonishment and most serious reflections. Our extensive commerce, spirit of enterprise and surplus productions, have so intermixed our interests with those of the nations of Europe, that even in a time of peace we could not have been indifferent or uninterested spectators of the mighty scenes which have passed before us. Involved, however, as we are in a just and unavoidable war with one of the most powerful nations of the world, we could not but mark with solicitude events which promised to relieve our enemy from all resistance and restraint, elsewhere, and enable him to turn his whole force, resources and undivided attention upon us.

The enemy has availed himself of such a state of things, so far as to send considerable reinforcements of veteran troops to his North American possessions, and a large fleet and well appointed army to blockade our bays and rivers, and bombard, destroy and lay waste all our assailable villages, towns and cities. This force by a rapid movement, exposing itself to capture or destruction, penetrated to Washington city. It was captured, with attendant circumstances of barbarism which disgrace and render hateful the conquerors who thus outraged all the laws and usages of honorable warfare. The consternation which was excited on the sea board, is almost inconceivable to those who reside

in the interior. Happily, however, for our country and for human nature, it was the last triumph of barbarian arms. Discomfiture and disgrace have followed hard upon him ever since. At Baltimore, the militia marched forth to meet the veterans of Britain, the spirit of the revolution was roused, the invading army was compelled to retreat and the bombarding fleet to retire; and the mothers, wives, and children of the brave, once more slept in quiet.

The army of Niagara, under the dauntless general Brown, stayed the onward course of British troops, and by displays of consummate skill and heroic bravery, taught them to do homage to American soldiers. On Lake Champlain, the squadron of the gallant commodore Macdonough has conquered and captured another fleet, again irradiated with glory our naval flag, and, in conjunction with the army of the brave general M'Comb, has preserved the peace of an immense tract of country and shielded the inhabitants from the tomahawk of the savage.

Our small ships and privateers have covered the seas, and on the sea coast of the enemy they have been so vigilant and courageous, that it has become unsafe for him to pass even from one of his own ports to another. They have retaliated upon the enemy the system of capturing and destroying, to an extent greater than he could have imagined, and, as if in mock of the blockade, our vessels and their prizes have come in and run out as at pleasure. Their skill, seamanship and valor, will carry our fame upon the wings of the wind and the waves of the waters, teach all nations to respect us, and acknowledge that, though patient and long suffering, we will neither be injured nor insulted with impunity.

The latest advices induce a belief in some minds, that peace may possibly result out of our mission to Europe; and that the thousands and ten of thousands of armed

men who have overspread its continent may again unsheath their swords, and again struggle for victory and dominion. Let the result of the negotiations at Ghent and Vienna be what it may, it is the part of wisdom and patriotism to calculate upon and prepare for war, rather than peace. If honorable peace comes, come when it will it will be welcome, and we shall always be prepared to receive it; but if we mistakingly repose on the prospect of peace, we may unpreparedly be awakened by the thunder of the enemy's cannon. In energy, decision and preparation, there is safety and honor; but any other course will inevitably lead to suffering and disgrace. To you, the representatives of the people, the people have a right to look, and do look, for the performance of all those extraordinary duties which the times impose upon you. The last summer has read us such a lesson as I trust we shall profit by; and should those ruthless invaders come again, they should find us every where prepared and resolute.

The conflagration of Washington and the continued menacing language and attitude of the enemy having excited general anxiety and solicitude for the safety of Philadelphia, I repaired to that city, accompanied by the Secretary of the Commonwealth and State Treasurer, whose presence and advice very much facilitated the objects of my journey; which were, to get into the field, arm and equip, a force adequate to the defence of that city and the shores of the Delaware. By unremitted attention, and acting in concert with the general commanding for the United States in this district, such a force was obtained, notwithstanding considerable embarrassment caused by the almost exhausted condition of the United States arsenal. From an order by the war department, directing the generals of military districts to supply with equipments the militia called into service, I had inferred that camp equipage, arms and munitions of war, were in store

ready for delivery. I was mistaken, in consequence of large requisitions having been previously made from the south. These difficulties, however, and many others, were surmounted; and so respectable a force encamped, as has probably contributed to deter the enemy from any attempt against the capital of the state.

Whilst on this subject, I may be permitted to remark, that the various and important duties incumbent on the executive, which can only be discharged at the seat of government, where the records and state seals are kept, will not allow of his absence for long periods without great public inconvenience. It is therefore to be avoided. The exposure to invasion of the eastern and western sections of Pennsylvania, requires for their defence, that the earliest and most correct information of the situation of those parts of the state should be promptly conveyed to the executive by persons, in whose talents, integrity and devotion to the support of the government of the state and United States, in all their lawful and constitutional measures, he can fully confide. I suggest the utility of authorizing a commission of such persons as well for the above specified purpose as for that of confidentially communicating and co-operating with the U. States' commanding general of the district. The sanction of legislative authority would give respectability to such a body, and their being appointed by and responsible to the government, would ensure more confidence and be less liable to distrust or suspicion than an irregular or unauthorized association.

The militia of this state, now and lately in the field under requisitions from the President of the U. States, turned out at their country's call with a promptitude which reflects upon them signal honor. It was particularly gratifying to observe, that when danger was impending, many volunteer companies were formed,

uniformed and officered in compliance with an invitation contained in general orders of the 27th of August last. These corps, composed of the most respectable citizens, repaired with a laudable zeal to Philadelphia, then considered in imminent danger; they were there organized into battalions and regiments, and officered, agreeably to the provisions of our militia law. It is much to be regretted that any portion of such companies, animated by honorable motives and intentions, and received into the United States' service under a special guarantee of the rights and privileges secured to them by the laws of Pennsylvania, should have their ardor damped, their harmony destroyed and their officers treated with disrespect, arrested and arraigned. It would be in vain to seek for any honorable or public spirited incentive to a proceeding, which, while it wounds the just pride of men of worth and courage, it essentially injures the public service.

It would be culpable, while thus doing justice to the merits of the militia of one section of the state, were I to omit stating to the legislature, the high sense I entertain of the patriotism and courage of those generous militia, who, without order or invitation, flew to arms and of their own good will, marched to Baltimore, and had the honor to aid in repelling the enemy. Such devotion to the public weal, if universal, would soon compel the enemy to abandon the system of marauding and depredating, upon which he has so uniformly acted. While we acknowledge the high desert of those, who marched to the defence of the sea board, let us not be unmindful of the brave Pennsylvania militia, who, at the battles of Chippewa and Bridgewater, gloriously redeemed the honor, which had been compromised on the shores of the Niagara. This regiment, having faithfully performed its tour of duty, was honoured by the thanks of the commanding general. They deserve well of their state and their country.

Although the laudable enterprize and emulation of our fellow citizens has hitherto, in great measure, supplied the many defects of our militia law, yet so numerous and obvious are its imperfections, that to apportion, equally upon all, the burthens caused by the war, an entire revision of the system is indispensable. One of its sections, commanding militia officers, of certain grades, to communicate to the legislature the defects they may discover, and a persuasion that much information has been collected in the summer, by gentlemen of the legislature, I shall not attempt to detail the errors and contradictions of the law. I will, however, take occasion to remark, that there is in Pennsylvania an over proportion of cavalry. It is ascertained, that for service they are not in demand, except as videttes. None have been required by the general government. It follows that a horseman and an exempt are, in our militia law, almost synonymous. I recommend that rifle and artillery corps be promoted and cherished: they are believed to be the best defence of our country; and it is presumed that experience has demonstrated that our sharp-shooters and gunners are equal to any in the world.

Uniform certainly produces a most valuable effect in our militia, as it never fails to excite a portion of soldierly pride. When well appointed volunteer corps and non-uniformed militia companies are encamped together, or meet on parade, the one is apt to feel envy and the other to shew contempt. These and other considerations induce me to suggest the uniforming of the militia at the public expense, when called into actual service. The expense of a cheap uniform, and a provision for the family of the poor man, who endangers health and life, without any other stake in the public cause than his personal, political and religious liberty, would be a tax which should be willingly paid by the opulent. If this scheme be deemed ineligible,

I suggest, that the promise of the state to defray the price of the uniform, to every man who performs faithfully a full tour of duty, would probably be inducement, sufficiently strong, for the militia to uniform themselves.

That a well organized and well disciplined militia is the truest safe-guard of the republic, I am firmly convinced; yet when we are at war with a vigilant and veteran enemy, who, with his numerous fleets, commands our bays and rivers, by facility of transportation, excites constant alarms, and makes necessary the stationing of forces at all exposed places; when we take into consideration the great sacrifices made by individuals, and the injury to the state by the interruption of the labor of farmers, mechanics and manufacturers, that is occasioned by frequent calls upon the militia; when the enormous expense caused thereby, and the time lost in marching them from distant places and in training them for service, are also considered, I cannot but deem it my duty to recommend the raising, immediately, a few regiments, to serve during the war, for the defence of the state. Such a permanent, well disciplined force, supported and reinforced as occasion might require by drafted or volunteer militia, would prove economical, preserve many valuable lives, prevent individual distress and public loss, and add much to the security of the country. I would call your attention to the establishment of a medical department as essential to the health of the troops; and will take occasion also to remark, that the duties imposed on the adjutant general are so important, various and diffuse, that it is impossible, particularly in a state of war, for any individual to perform them.

Amongst the munitions of war provided for our militia, of which a detailed account will be furnished in the adjutant general's report, will be found tents sufficient to cover more than seventeen thousand men; and a

large quantity of other camp equipments. A thousand rifles have been received out of the United States' arsenal and repaired at the expense of the state, and three hundred and sixty new ones have been purchased. These arms, with nearly eight thousand muskets, received from the United States as part of the quota of Pennsylvania, under an act of Congress for arming the whole militia, added to the state arms repaired and repairing, and a respectable park of artillery, will arm a force sufficient, under providence, to repel any army the enemy may land. There is now in the state arsenal, in the city of Philadelphia, much valuable property. The discharge of the militia now and lately in the service of the United States, will considerably increase it. The care of the arsenal ought to be confided to some person of known integrity, who might also superintend the safe keeping and repairing of the public arms.

Some disbursements may have been made not in the contemplation of the last legislature; such as the purchase of blankets and warm clothing for those of our volunteers and militia, who left home in the summer and were to continue in the field in very severe weather, and had not the means nor the opportunities to provide for themselves. These articles were tendered for so much as they cost, and so accepted by the receiver on account of his pay; the health and comfort of the men could only by such a measure be secured. I trust, therefore, that this act and an advance of money to contractors, to furnish provisions for our troops, hastily collected for the defence of Philadelphia and the shores of the Delaware, will meet the approbation of an enlightened legislature. As many, if not all of the men, furnished with blankets and clothing, are poor and have families to maintain by their daily labor, it would be an act of kindness, if not of justice, to relieve them

from the condition on which those articles were furnished. The sum expended amounts not to more than \$11,624.63.

Under a law passed the 25th February last, a loan was obtained from the Philadelphia bank of \$100,000, before the rising of the last legislature to replenish the treasury, which had been exhausted by the extraordinary expences at Erie and by the purchase of munitions of war there and elsewhere. The receipts of the commonwealth, however, proving adequate on the 9th of August last to a repayment, and deeming the anticipated receipts as sufficient to meet any probable demands on the treasury, I ordered a repayment of the loan, connecting with the act the expression of a wish, that the bank, if required, would again aid the government. In the autumn an application was made, and that institution, very honorably, at the rate of interest prescribed in its charter, re-loaned to the state \$100,000. The hostile attitude maintained by our enemy on our sea-board, and the peculiar situation of the general government, required the application of the resources of the commonwealth, to provide the necessary means of defence. Heavy expenses were necessarily incurred, which, together with large demands lately made, under the act, entitled "An act for the improvement of the state," made additional loans necessary: a general account of which and of other matters, relative to the financial concerns of the state, reported to me, accompanies this communication. This, and a more detailed account, hereafter to be exhibited, embracing also the accounts of the adjutant general and his deputies, and of payments made to Pennsylvania militia in the service of the United States, will be such an exhibition of our finances, as will satisfactorily show the necessity of the loans, and the faithful and economical appropriation of the public monies, and induce the legislature to adopt measures for replenishing the public treasury, and providing against the want of

future loans. It is gratifying to know that our resources are abundant and untouched.

Heretofore, to express my opinion against an increase of banking institutions, has been a painful duty. That bank paper has been too much multiplied, is now generally admitted; but, inasmuch as it exists under the guarantee of legislative acts, and as much of the property of the state as well as of individuals is involved, it is incumbent to protect the banks so far as justice and the constitution will permit. By the purchase of British government bills and British goods smuggled into our country and through other means adopted by enemy partizans, such immense sums of gold and silver have been drawn from the banks of the middle and southern states to the eastward and thence into the coffers of the enemy, as has made it necessary for most of our banks to stop specie payments. This precautionary measure I have learned has produced a threat of a suit at law being commenced against one of the banks. Should this be realized and judgment and execution follow, the presumption is, that a similar fate awaits the other banks; thus the whole system would become shaken, and the state and individual be seriously embarrassed. Fully aware of the delicacy of this subject yet satisfied that it demands legislative interference, I submit it to your judgments to make such provision as the interest of the commonwealth and the welfare of the community require.

Although multifarious and interesting subjects arising out of the peculiar situation of our country will occupy much of your attention, it is hoped the importance of education and diffusion of knowledge, the encouragement and fostering of manufactures, as the principal mean to perpetuate the real and practical independence of our country, will have a share of your deliberations, as will also the report of the attorney general on the subject of criminal jurisprudence.

The suppression of that baleful and demoralizing practice, horse-racing, and its concomitant vice, gambling; the regulation and equalization of tavern licenses; certain suggestions relative as well to the sale of unseated lands for taxes, as to the arbitration system; to the frequent setting aside verdicts of juries; to larcenies committed without the state; to the inefficiency of the writ of habeas corpus; to the frequent petitions for pardon, urging the want of employment for convicts as the ground for the application; to the want of a court of revision in capital cases, are subjects, some of them, if not all, of much interest, which in a communication dated the 10th December, 1813, I had submitted to the consideration of the last legislature, but from the great press of more important business it is presumed were passed over. I beg leave to submit them again, and for motive and object to refer the legislature to that communication.

At a period so eventful as the present, it cannot too often be inculcated that the integrity, freedom and happiness of our country imminently depends on the energy and wisdom of those who administer the national government, and the confidence which the people shall manifest in them as well as in the support which that government receives from the several states composing the union. In proportion as these truths are felt and acknowledged, will be the regret you will feel, as citizens and legislators, at the undisguised hostility which is manifested in the eastern section of the union, against the measures adopted or proposed for the preservation of our rights, national and individual; rights which the God of nature has bountifully bestowed upon us, and the enjoyment of which is inseparable from our existence as an independent nation. This conduct is the more justly offensive, inasmuch as the ground taken for hostility is produced by those opponents of the government who withhold as much

as in them lies, men, money, credit, confidence and affection, in a word, all means vigorously to conduct the war and honorably attain peace. These men no longer in private whisper their schemes, but in public legislative debate and acts, avow their intention to sever the union. These are events deeply to be deplored by every friend to freedom and humanity, as preludes to a civil war, the most unprofitable, disastrous and sanguinary of all conflicts. However we may regret or disapprove of such unnatural and unjustifiable dispositions and deportment, we are now called upon to legislate or act upon them; if we were, I am sure the constituted authorities and people of Pennsylvania would unitedly rally round the standard of the union and put down the machinations of all disorganizers, and execute the laws upon all traitors who should dare to take up arms against our happy union, and set at naught the constitution, which is hallowed by the name of the immortal Washington.

The situation of our country is perilous, but by no means desperate. Our cause is just, our resources great, our fellow citizens brave, intelligent and patriotic; it is only necessary that the competent authority shall bring them into action, and our country will, by the blessing of Heaven, ride triumphantly through the storm. It will be my pride and pleasure to co-operate with you in every measure which shall promise to promote the happiness of our constituents and our country.

SIMON SNYDER.

Harrisburg, December 10, 1814.

To the Assembly Concerning Loans for the Use of
the State.

HAVING MENTIONED IN MY COMMUNICATION to the General Assembly of the 10th inst., the loan made to the state on the 9th day of March last by the Philadelphia bank, at 5 per cent. interest, under an act passed the 25th day of February last, entitled "An act authorizing the Governor to negotiate a loan for the use of the commonwealth," and the repayment thereof with interest on the 17th day of August; it now remains for me to state, that in addition to a reloan by the said bank of \$100,000 made to the state on the 17th September last, adverted to also in my said communication, another loan was negotiated of \$100,000 with several of the banks in Philadelphia, and \$50,000 whereof was obtained on the 9th day of November from the Bank of Pennsylvania; from the Bank of North America there was on the same day obtained \$25,000, and from the Farmers' and Mechanics' bank was obtained \$25,000 on the 22d day of the same month, on the terms specified in the said act. Subsequently the exigencies of the state requiring it, an additional loan of \$100,000 was ordered to be negotiated, and I am advised that the Bank of Pennsylvania has agreed to loan \$25,000, and that on the 5th inst. that sum was placed on the books of the institution to the credit of the state, and subject to the order of the treasurer of the commonwealth. Others banks have been applied to, but in consequence of one bank declining, and another bank offering a sum indefinite as to the amount, the commonwealth is not at this time pledged for the payment of more than \$225,000.

Whatever may be the result finally, shall be immediately communicated to the legislature.

SIMON SNYDER.

Harrisburg, December 13, 1814.

Address to the Assembly on the Governor's Second Re-Election.

Fellow Citizens:

A GAIN HONORED BY A RE-ELECTION TO THE office of chief magistrate; again in the presence of the representatives of the people, I have renewed my oaths of fealty to the constitution, and again, in sincerity, and singleness of heart, I pledge myself ever to be mindful of the rights, interests and happiness of the people, who have repeatedly and in the most distinguished manner reposed their highest confidence in me; all the return I can make, is, an honest devotion of all the faculties of my mind to promote their welfare: that such devotion has been heretofore rendered and acceptably received, I have abundant reason to be convinced.

Having by message communicated to the legislature the state of the commonwealth, and suggested such measures as have appeared to me likely to promote the general weal, I have now no special recommendation to offer to your consideration as legislators; yet such are my impressions, and anxieties, that I should feel I had but half discharged the obligation of duty, were I to return from this assembly, without endeavoring to impress upon all its members, and would to God upon all their constituents, the sacred, and at this time indispensable necessity of such an union of sentiment, as shall secure an union of action, against our common enemy. It is scarcely possible to read the resolutions, against the inadmissible terms proposed by the British ministers, which were unanimously adopted by the highly respectable legislatures of the states of New York, Virginia and North Carolina, without feeling a glow of patriotic fervor and inward conviction that such unanimity throughout the United States would be the surest guide to successful warfare, and the surest pledge of an honorable and speedy peace.

The blood of our brave troops has been shed in vain; vain are the laurels they have won, and the praises they have received, if the public voice be rent in twain by discord, and the public arm be palsied by faction; in vain has our flag, resplendent with many victories, been proudly displayed in every clime, and its victorious defenders been hailed as the bravest of the brave, if their countrymen will not emulate their virtues, and unite head, heart and hand against the common foe. When the independence and integrity of our country are at stake, what American will withhold his utmost efforts to redeem them. When the soil which gave us birth and covers the bones of our fathers is trodden by the feet of hostile men, who threaten to destroy and lay waste our homes and temples of worship, shall we hesitate to march to meet them because we may not have approved of the declaration of war, or because we may not approve of the manner in which it has been conducted, or, because we do not approve of the men who are constitutionally in authority? most certainly not; such reasoning, however satisfactory to the individual it might influence, would have no weight with the community, and would be but a feeble apology for abandoning the nation in time of peril and danger. Let us go forth united, and who shall stand before our embattled multitude. When we have expelled the proud invaders, and conquered an honorable peace, then let us settle our political differences, exact rigid accounts from those in authority, and in the usual constitutional regular manner let the highest of our public functionaries, be arraigned at the bar of public opinion, and if any be found dishonest or incapable, let them be set aside, and men more worthy be appointed to fill their stations. But let us not, I beseech you, indulge party feelings at the expense of principle, nor engage in party animosity and fan a flame in which the vital interests of our country may be consumed. Upon you, my

friends and fellow citizens, much depends, your conduct and example will, as it ought, have much influence with your constituents, and will not be viewed with indifference by other states or even by the enemy. If I have urged this subject with more words, warmth or earnestness than you may deem necessary, impute it to the deep conviction I have of the baleful effects of every measure which represents us to the enemy as a divided people.

This is probably the last time I shall personally have the honor to address the General Assembly of Pennsylvania, and I embrace it to express the affectionate solicitude I feel for the happiness and prosperity of a state, which has not only bestowed upon me, in common with my fellow citizens, the enjoyment of so many civil, religious and political rights, but has also honored and distinguished me so frequently, as to bind me to its interests by the strongest ties of gratitude and esteem. To you gentlemen, the representatives of this state, I tender for yourselves and your constituents my best wishes for your happiness; and I offer up my fervent prayers to the giver of all good, that he will bless, protect and defend you and our country from the machinations of all enemies public and private.

SIMON SNYDER.

Harrisburg, December 20, 1814.

To the Assembly transmitting certain Documents and giving Notice of the Reappointment of Nathan B. Boileau to be Secretary of the Commonwealth.

A GREEABLY TO THE PROVISIONS OF THE act, entitled "An act directing an enquiry into the right and authority of the Erie and Waterford turnpike road company, to demand and receive

tolls," passed 28th March, 1814, I appointed three disinterested persons commissioners to view said road, a copy of the commission to them, and their report of the condition of said road I herewith transmit, which, with the report made under the original act by viewers appointed by my predecessor is all the official information I possess respecting the same.

Authentic copies of a resolution by the last legislature contemplating the reduction of the period for senators to serve in the congress of the United States from six to four years, have been transmitted, one to each senator and representative in congress from this state, and one to each Governor of the other states, with a request that the same might be by them laid before the legislature of their respective states. The Governors of the states of Rhode Island, New Hampshire, Vermont and Massachusetts have transmitted to me, the results respectively of the submission of the said resolution to the legislatures of those states, copies of which, and of the letters accompanying them I herewith transmit.

The ingenious Eric Bollman of Philadelphia has written me a letter describing, in some degree, the properties of the late discovered indistructible metal, platina; suggesting the infallibility of weights and measures if constructed thereof; this important subject having heretofore engaged the attention of the legislature, I have deemed it my duty to lay before you copies of his letter, and specimens of the ore and platina in its malleable state, both which accompanied his letter. A copy also of my letter is transmitted.

On the 29th March last I received by mail a law passed by the legislature of Maryland, re-enacting a law passed by the General Assembly of this state, entitled "An act to incorporate a company for making an artificial road by the best and nearest route from the Philadelphia and Lancaster turnpike road, through the vil-

lage of Strasburg in Lancaster county, to the Susquehanna bridge at M'Calls ferry, and from thence to the city of Baltimore;" which remains among the rolls in the office of the Secretary of the Commonwealth, and is also printed with the pamphlet laws of last session. I have also to inform the legislature that I have re-appointed Nathaniel B. Boileau, secretary of the commonwealth.

SIMON SNYDER.

Harrisburg, December 21, 1814.

To the Assembly recommending the Authorizing of a loan from the Banks of a Sum equal to the Payment of the Balances due them from the United States, also the enactment of a Law for the Punishment of those Encouraging Disobedience in Militia.

THE REVOLUTION WAS ACHIEVED BY OUR fathers, when the means of prosecuting war possessed by the colonies collectively, were scarcely equal to the present resources of our state, then eminently conspicuous for the aid she afforded in money, donations in land, and otherwise to those of her sons who served in the Pennsylvania line during that ever glorious conflict. To these monuments of patriotism we are wont to appeal with laudable pride, but should appeal in vain, if now, with the means vastly more abundant, and those means untouched, we should hesitate to sustain and preserve the invaluable blessings we enjoy, now they are threatened to be wrested from us by that same foe who could not then prevent their establishment.

These considerations, and justice to our militia lately in the service of the United States, would dictate to a

patriotic legislature the authorizing a loan from the several banks that have been incorporated under the act of the 21st March, 1814, of a sum equal to a payment of the balances due them from the United States, and the providing for similar, or other occurrences, that may possibly arise from the present embarrassed state of the finances of that government.

I would suggest also, the providing by law for the punishment by sentence of a court martial, if the offender be subject to militia duty, and summarily before a civil tribunal if not so subject, of any person that shall in future encourage disobedience in militia, ordered into service by the constituted authorities of the United States, or of this state.

SIMON SNYDER.

Harrisburg, January 3, 1815.

Acceptance of a Loan to the State.

Harrisburg, January 10, 1815.

Sir:

THE PRESIDENT, MANAGERS AND COMPANY for erecting a bridge over the Susquehanna river, in the county of Lancaster, at or near the town of Columbia, having agreed to extend to the commonwealth a credit for one year, for forty-five thousand dollars, being the last instalment due for the states subscription of shares in the stock of the said company; I do by virtue of the authority in me vested, by an act, entitled "An act authorising the Governor to negotiate a loan for the use of the commonwealth," accept the said sum on loan, and pledge the commonwealth for the payment thereof one year after date, together with interest therefor, at the rate of six per centum.

SIMON SNYDER,

Governor of the Commonwealth of Pennsylvania.

Wm. Wright, Esq.,

President of the Columbia Bridge Company.

To the Assembly transmitting a List of Taxable Inhabitants and Slaves.

I HAVE DIRECTED THE SECRETARY OF THE Commonwealth to lay before you a list of the taxable inhabitants and slaves within this commonwealth, agreeably to an act of assembly passed 28th February last. Also, copies of a communication from the inspectors of the prison in the city of Philadelphia, relative to the receipts and expenditures of said institutions, as well as regards prisoners, convicts, &c., under a resolution passed the twenty-eighth of March, 1814.

SIMON SNYDER.

Harrisburg, January 18, 1815.

List of taxables accompanying said message.

Adams county,	2979
Allegheny,	5518
Armstrong,	1454
Beaver,	2398
Bedford,	3351
Berks,	7390
Bradford,	1493
Bucks,	7066
Butler,	1491
Cambria,	521
Centre and M'Kean,	1765
Chester,	8072
Clearfield,	264
Columbia,	3349
Crawford,	1184
Cumberland,	5971
Dauphin,	3348
Delaware,	2661
Erie,	858
Fayette,	4579

Franklin,	4331
Greene,	2412
Huntingdon,	3502
Indiana,	1363
Jefferson county,	35
Lancaster,	11346
Lebanon,	2696
Lehigh,	2902
Luzerne,	2379
Lycoming,	1858
Mercer,	1734
Mifflin,	3063
Montgomery,	6221
Northampton,	4523
Northumberland,	1687
Philadelphia city,	9383
Philadelphia county,	10486
Schuylkill,	1614
Somerset,	2191
Susquehanna,	1242
Tioga,	199
Union,	2772
Venango and Warren,	656
Washington,	6780
Wayne,	551
Westmoreland,	5370
York,	6772

163,780

Proclamation declaring the Election of Representatives of Pennsylvania in the United States Congress—1815.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of representatives of the people of this State in the Congress of the United States," passed the twentieth day of March in the year one thousand eight hundred and twelve, that the Governor having received the returns of the election held in the several counties of this Commonwealth, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district. And Whereas, it appears from the returns of the general election held on Tuesday the eleventh day of October last, in and for the several districts hereinafter mentioned, that the following named persons were duly elected to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, vizt.:

In the district composed of the City of Philadelphia and the counties of Philadelphia and Delaware, Jonathan Williams, Joseph Hopkinson, William Milnor and Thomas Smith. In the district composed of the counties of Montgomery and Chester, Dr. John Hahn and William Darlington. In the district composed of the counties of Lancaster, Dauphin and Lebanon, John

Whiteside and Amos Ellmaker. In the district composed of the county of York, Hugh Glasgow. In the district composed of the counties of Cumberland, Franklin and Adams, William Maclay and Dr. William Crawford. In the district composed of the counties of Bucks, Northampton, Wayne, Lehigh and Pike, John Ross and Samuel D. Ingham. In the district composed of the counties of Berks and Schuylkill, Joseph Heister. In the district composed of the counties of Bedford, Somerset and Cambria, William Piper. In the district composed of the counties of Mifflin, Huntingdon, Centre, Clearfield and McKean, David Bard. In the district composed of the counties of Northumberland, Union, Columbia, Luzerne, Bradford, Susquehanna, Lycoming, Tioga and Potter, William Wilson and Jared Irwin. In the district composed of the counties of Westmoreland, Indiana, Jefferson, and Armstrong, William Findley. In the district composed of the county of Washington, Aaron Lyle. In the district composed of the counties of Fayette and Greene, Isaac Griffin. In the district composed of the counties of Allegheny and Butler, John Woods. In the district composed of the counties of Beaver, Mercer, Crawford, Venango, Erie and Warren, Thomas Wilson.

Now therefore, I have issued this proclamation hereby publishing and declaring that the said Jonathan Williams, Joseph Hopkinson, William Milnor, Thomas Smith, Dr. John Hahn, William Darlington, John Whiteside, Amos Ellmaker, Hugh Glasgow, William Maclay, Dr. William Crawford, John Ross, Samuel D. Ingham, Joseph Heister, William Piper, David Bard, William Wilson, Jared Irwin, William Findley, Aaron Lyle, Isaac Griffin, John Woods, and Thomas Wilson are duly elected and chosen as Representatives of the people of this State in the House of Representatives of the United States for the term of two years, to commence from and after the fourth of March next.

Given under my hand and the Great Seal of the State, at Harrisburg, this eighth day of February in the year of our Lord one thousand eight hundred and fifteen, and of the Commonwealth the thirty-ninth.

By the Governor.

N. B. Boileau, Sec'y.

To the Assembly transmitting a Letter from the Secretary of War, announcing the conclusion of a Treaty of Peace with Great Britain.

GRATEFUL FOR THE BLESSING, I HASTEN TO lay before you copies of a letter from the secretary at war, received by express late last evening, announcing that a treaty of peace with the British government honorable to our nation, was concluded at Ghent, on the 24th of December last.

SIMON SNYDER.

Harrisburg, February 17, 1815.

Circular.

Department of War, Feb. 14, 1815.

Sir—It is with great satisfaction that I have to inform you that a treaty of peace was concluded between the United States and Great Britain, at Ghent, on the 24th of December last; a copy of this treaty was received to day by Mr. Carroll; has been examined by the president, and it will, I am persuaded, be ratified, as its conditions are honorable to our country; I lose no time in communicating to your excellency an event of such high importance to the nation.

I have the honor to be,

With respect, your ob't. serv't,

[Signed] James Monroe.

His Excellency Simon Snyder, Governor of Pennsylvania.

To the Assembly Representing the Insecure State of
Certain Public Property at Erie and recommending
its Removal.

I LAY BEFORE YOU COPIES OF A LETTER from brigade inspector William Clark, of the 2d brigade, 16th division of militia, representing the insecure state of the arms, ammunition and other public property remaining at Erie arising from the want of a suitable building wherein to store the same. Waterford not being so imminently exposed to a predatory enemy, I would suggest the removal of the said property to that place, and the securing it in a building called a block house there erected by the United States on ground belonging to this state, for years past unoccupied, which at a comparatively small expense I am informed might be fitted for the safe keeping of such part of it as is of a permanent nature, such as is not and iron hollow ware, and other articles not calculated for camp service ought to be sold. On the public ground in this place remains a quantity of building timber, now in a perishing state, and other materials with which at little expense could be erected a building for the safe keeping of the arms, tents and other camp equipments at York town which I am informed remain in a building the tenure of which is neither permanent nor is the public property therein secure.

I have directed to be laid before you also copies of resolutions by the legislature of Massachusetts, proposing amendments to the constitution of the United States, and of a letter from the executive of that state covering the said resolutions.

SIMON SNYDER.

Harrisburg, February 21, 1815.

To the Assembly Transmitting Certain Documents.

I LAY BEFORE YOU, AS WELL COPIES OF THE disapprobation by the legislature of New Jersey of certain amendments to the constitution of the United States, proposed by the legislatures of the states of Massachusetts and Connecticut, as copies also of a resolution by the legislature of Maryland, disapproving of the amendments proposed by the legislature of this state, to the constitution of the United States, for reducing the period of service of senators in the congress of the United States, from six to four years, with copies also of the letters from the Governors of the said states, covering the said respective proceedings.

Through col. Binns one of my aids, I have had presented to captain Decatur and lieutenant Biddle of the navy, the swords voted them by a late legislature, as testimonials of their patriotism and distinguished bravery. I must urge as an apology for this late communication on that subject, the accidental mislaying of part of the correspondence, it is now laid before the legislature with the more pleasure, from the conviction that to the valorous achievements of our naval, military and militia heroes we are indebted for all the advantages which must arise out of a war, pre-eminently distinguished by deeds of courage and conduct, which have impressed the world and ourselves with a higher value for our national character, and happily terminated in peace.

After repeated application had been made to those who were likely to possess the information, for a list of the Pennsylvania militia who gallantly volunteered and assisted to capture the enemy's fleet on Lake Erie, it has at length been obtained.

The sinking of the dies and other work connected with the carrying into effect the resolution of the legis-

lature of last session, has hitherto prevented the completion of the medals ordered to be presented to captain Perry, his officers and our volunteers; these are however in such a state of forwardness as to justify the expectation that they will speedily be finished.

A conviction that the adoption of some measures to save from destruction much valuable public property, induced the communication of an extract of a letter from the adjutant general, representing the arms and camp equipments remaining at York town, to be in an insecure and perishing state.

By yesterdays mail I received a letter from the Governor of New Jersey, acknowledging the receipt from me of a resolution adopted by the legislature of this state on 21st ult., protesting against the erection of a dam in the river Delaware, under a late law of New Jersey; a suggestion by the Governor of that state, for the consideration of the legislature of Pennsylvania, induces me without delay, to lay before you copies of his letter. I add also, copies of my letter to him, which covered this resolution.

SIMON SNYDER.

Harrisburg, March 4, 1815.

To Erick Bollman concerning the newly discovered
Metal, Platina.

Harrisburg, 20th March, 1814.

Sir:

I SHOULD WITH MUCH PLEASURE AND WITH promptness have made the letter you did me the honor to write, under the date of the 18th inst., and the accompanying specimens of the newly discovered indestructible metal, platina, the subject of a communication to the legislature; but the lateness of the

session and consequent great press of business precluding the hope of a due consideration, for the interesting subject of your communication, I have thought it the preferable course to keep it over to the next session of the General Assembly, when it shall receive that attention from me, and I doubt not from the legislature also, which its importance demands.

Be assured of my sincere regard,

SIMON SNYDER.

Erick Bollman.

To Commodore Stephen Decatur and Lieutenant James Biddle, transmitting Resolutions appreciative of their distinguished Services to their country, also transmitting swords, both in behalf of the Legislature of Pennsylvania.

Harrisburg, February 11, 1814.

Sir:

I HAVE THE HONOR AND SATISFACTION TO enclose a copy of a preamble and resolution by the legislature of Pennsylvania, adopted with an unanimity and cordiality which are the surest evidences of the high sense entertained by their constituents, of the eminent services you have rendered your country. The language of the preamble so fully express the general feeling and opinion, that nothing is left for me to add, other than that I entirely concur in those feelings and opinions, and feel proud, that in the discharge of my official duties, the legislature have imposed one so gratifying as that of presenting you the sword which will be herewith delivered by col. John Binns my aid.

Should future opportunities present themselves, I doubt not your distinguished skill and gallantry will

call for fresh honors and rewards, which will cheerfully be paid by a grateful country.

Accept assurances of my present good wishes and respects.

SIMON SNYDER.

Commodore Stephen Decatur, of the U. S. navy, New London.

A similar letter was sent to lieut. James Biddle.

United States Frigate United States,
March 26, 1814.

Sir—I have been honored with the receipt of your excellency's communication of the 11th ult., covering the resolution of the legislature of the commonwealth of Pennsylvania, through the hands of col. Binns; as also, the sword in conformity with said resolve.

Permit me to assure your excellency that this honorable testimony of the approbation of my native state, is appreciated by me most highly; and I beg you to accept my warmest thanks for the graitying sentiments you have been pleased to express towards me.

With assurances of the highest consideration,

I have the honor to be,

Most respectfully, sir,

Your obedient servant,

[Signed] Stephen Decatur.

His Excellency Simon Snyder, Governor and Commander in chief of the state of Pennsylvania.

U. States Ship Hornet,
New London, March 26, 1814.

Sir—I this day had the honor to receive through col. Binns, your excellency's letter of the 11th ult., together with the sword prepared for me by your excellency, in conformity with a resolve of the legislature of Pennsylvania.

I am very sensible of the distinguished honor conferred upon me by my native state, and I pray your ex-

cellency to accept my best acknowledgements for the very flattering expressions contained in your communication to me.

I have the honor to be,

With great consideration and respect,

Your excellency's most ob't serv't,

[Signed] J. Biddle.

His Excellency Simon Snyder, Governor of Pennsylvania.

Philadelphia, April 1, 1814.

Sir—I have just returned from New London, whither I went to execute the orders you had been pleased to give me respecting commodore Decatur and lieut. Jas. Biddle. The letters of those gallant officers, which I have the honor to enclose, will manifest how highly they appreciate the honors done them. The swords, &c., were presented on the day their letters bear date. It may be proper to add, that I was at all times, and upon every occasion while at New London, treated with all the respect and attention, to which, as your aid, I was entitled, and with all the cordiality which my own feelings could desire, not only by commodore Decatur and capt. Biddle, but by every officer of the squadron.

I am, sir,

Respectfully yours,

[Signed] John Binns.

Simon Snyder, Esq., Governor of Pennsylvania.

To the Governor of New Jersey, transmitting a Resolution of the Legislature of Pennsylvania.

Commonwealth of Pennsylvania,

Harrisburg, February 21, 1815.

Sir:

I TRANSMIT TO YOUR EXCELLENCY A COPY of a resolution, this day adopted by the legislature of this state; its importance and the peculiar deli-

cacy of its nature will, I trust, procure it due consideration. Permit me to add, my desire to that of the body from which it emanated, that it be with the least possible delay laid before the legislature of New Jersey.

I have the honor to be,

With great respect,

Your excellency's obedient serv't,

SIMON SNYDER.

His Excellency the Governor of New Jersey.

New Jersey.

Trenton, February 27, 1815.

Sir—I have the honor to acknowledge the receipt of your excellency's letter of the 21st inst. with the resolve of the legislature of your state of the same date therewith transmitted; as the subject matter of your communication, from its delicate nature, calls for immediate attention, it is unfortunate that the legislature of this state adjourned before it was received, and also that it is not expected to be in session before October next.

Whatever may be the effect of the law complained of, I am perfectly satisfied that the legislature of New Jersey never intended to violate their agreement made with the commonwealth of Pennsylvania; while the bill was under discussion, witnesses were examined at the bar of the house of assembly, in the presence of both houses, as to the effect it would have on the navigation of the river Delaware; this examination terminated in a conviction that the wing dam in question would not injure the navigation of the river.

Entertaining an apprehension that the legislature of Pennsylvania, have not been fully and correctly informed of all the circumstances in respect to the object and effect of this law, and desirous of continuing the harmony of two states, connected together, as well by the ties of interest, as the obligations of honor, I take

the liberty of suggesting to your excellency for the consideration of the legislature of Pennsylvania, the propriety of appointing a commissioner to view the situation of the river and the adjacent country, on which the law complained of is intended to operate; although a similar appointment cannot be made on the part of New Jersey, the legislature not being in session, yet on notice, I will myself readily meet your commissioner, and afford him all the information in my power.

I have the honor to be,

With great respect,

Your excellency's obedient serv't,

[Signed] William S. Pennington

His Excellency Simon Snyder, Esq.

Proclamation of Reward for the Apprehension of Philip Winebiddle, of Allegheny county, charged with the Murder of his Negro man.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received Authentic information that some time last winter a certain negro man, belonging to Philip Winebiddle, late of the county of Allegheny, in this Commonwealth, was found dead; and that by a coroner's inquest held on the body of the said Negro, it appeared that the deceased came to his

death by beating, and other cruel treatment inflicted on him by the said Philip Winebiddle, his master, who has since fled from justice, and refuses to surrender himself, and abide his trial for the said offense. And whereas, the reputation of the Government, the peace and security of its Citizens, and the obligations of Justice and humanity require, that the perpetrators of an offense so heinous should be brought to speedy and condign punishment: I have therefore thought it proper to issue this proclamation hereby offering a reward of two hundred dollars to any person or persons who shall apprehend and secure within any jail of this Commonwealth, the said Philip Winebiddle, if brought to trial and conviction of the said offense. And all Judges, Justices, Sheriffs, Coroners, Constables and other Officers within this Commonwealth, according to the duties of their respective Stations, are hereby required and enjoined to be attentive and vigilant in enquiring after and bringing to justice the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this twentieth day of September, in the year of our Lord one thousand eight hundred and fifteen, and of the Commonwealth the fortieth.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation of Reward for the Apprehension of
Thomas Vanderslice, Jun'r, charged with murdering
a Certain Nathaniel Reed in Chester county.

Pennsylvania, ss:

[Signed] Simon Snyder.



I N THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, I have received authentic information that on the morning of the eleventh day of the present month, between the hours of twelve and three of the clock, a certain Nathaniel Reed, late of the township of Tredyffrin, in the county of Chester, was maliciously and cruelly assaulted and murdered by one Thomas Vanderslice, Junior, at the Inn kept by a certain Frederick Hollman near the sixteenth milestone on the Philadelphia and Lancaster turnpike road: And Whereas, the reputation of the Government, the peace and security of its Citizens, and the obligations of justice and humanity require, that the perpetrator of an offense so heinous should be brought to speedy and condign punishment: I have therefore thought it proper to issue this proclamation, hereby offering a reward of two hundred dollars to any person or persons who shall apprehend and secure within a jail of this Commonwealth the said Thomas Vanderslice, Junior, if brought to trial and conviction of the said offence. And all Judges, Justices, Sheriffs, Coroners, Constables, and other Officers within this Commonwealth, according to the duties of their respective stations, are hereby required and enjoined to be attentive and diligent in enquiring after and bringing to justice, the perpetrator of the crime aforesaid.

Given under my hand and the Great Seal of the State, at Harrisburg, this nineteenth day of October, in the year of our Lord one thousand eight hundred and fifteen, and of the Commonwealth the fortieth.

By the Governor.

James Trimble, Deputy Sec'y.

Proclamation declaring the Election of John Sergeant, James Wallace and Thomas Burnside as Representatives of this State in Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by returns duly made by the Judges of special elections, held in the first district, composed of the city of Philadelphia and the counties of Philadelphia and Delaware; in the third district, composed of the counties of Lancaster, Dauphin and Lebanon; and in the ninth district, composed of the counties of Mifflin, Huntingdon, Centre, Clearfield and McKean, in this Commonwealth, on Tuesday the tenth day of the present month, in pursuance of writs issued by me on the eighth day of September last, under the authority of an Act of the General Assembly, passed the eighteenth day of February, in the year one thousand eight hundred and five, it appears that John Sergeant, James Wallace, and Thomas Burnside were duly elected to serve as Representatives of this State

in the House of Representatives of the United States, to supply the vacancies occasioned in the first and ninth districts, by the death of Jonathan Williams and David Bard, and in the third district, by Amos Ellmaker's acceptance of the appointment as President and Judge of the Courts of Common Pleas within the twelfth judicial district of this Commonwealth: And Wherefore, in and by one other Act of the General Assembly, passed the twentieth day of March in the year one thousand eight hundred and twelve, it is provided, that the Governor, having received the returns of such election, shall declare by proclamation, the name or names of the person or persons to him returned as duly elected in each respective district: Now therefore, I have issued this proclamation hereby publishing and declaring, that the said John Sergeant, James Wallace, and Thomas Burnside are duly elected and chosen as Representatives of this State, in the House of Representatives of the United States, during the remainder of the term for which the said Jonathan Williams, Amos Ellmaker and David Bard were elected to serve.

Given under my hand and the Great Seal of the State, at Harrisburgh, this twenty-seventh day of October, in the year of our Lord one thousand eight hundred and fifteen, and of the Commonwealth the fortieth.

By the Governor.

James Trimble, Deputy Sec'y.

Annual Message to the Assembly—1815.

AT NO PERIOD OF OUR EXISTENCE AS A nation has our character stood so deservedly high and our prospects been so bright as at present. Single handed we have waged a glorious

war against a nation of all others most able and willing to cripple our commerce, annihilate our navy, and dry up the sources of our independence and happiness. An honorable peace has brought with it an abundant commerce, which will enable our government to meet all demands and provide for all probable future wants. The navy, which in our contest with Great Britain was the first and the last portion of public force which covered itself with glory, and the nation as with a shield, has, within a few months, carried our fame into other nations, and conquered another enemy. After liberating our captive fellow citizens, it dictated the terms of peace. The Barbarian pirates, that for centuries have plundered and extorted tribute from all Europe, have been humbled by the youngest nation of the earth. The crescent of the east has been eclipsed by the rising star of the west, and we should be more or less than men, if these repeated gallant achievements of our countrymen at home and abroad, did not make us proud of the name of Americans; a pride which it is honorable to cherish, and which I trust will be cherished, until every man who is entitled to the appellation will feel so much of its dignity as to make it a respectable passport throughout the world.

Since the meeting of the last legislature, events the most important, extraordinary and unexpected have agitated and convulsed Europe. An individual, attended by a body guard, confiding in the affection of the people and the devotion of the army, landed on the shores of France. His name, the herald of his glory, was hailed with acclamations; he rode as in a triumphal car to the capitol; not an arm nor a voice was raised against him, and he was in a few days seated on the throne which a Bourbon had hastily abdicated. The sovereigns of Europe combined against the man whom a nation had welcomed. They poured their armies upon France like a mighty torrent, and a single

but sanguinary battle decided the fate of that kingdom, and hurled from his throne that man whose genius and talents had caused kings and empires to forget their hatred and unite against this mighty one as the common enemy of all. The allied armies entered France, and compelled her to drink deep of the cup of which she had made others taste. France, the first and most faithful ally of the United States, is devastated and dismembered by foreign arms, while those of her own children, instead of being turned against the invaders, are employed in destroying each other. United, they would have stemmed the tide of invasion and turned back the waters of bitterness upon those who are now consuming their means of subsistence, violating the dearest objects of their love, and turning them from their homes, hungry and houseless. As human beings we must feel for our fellow men, nor can we help feeling acutely for the sorrows and sufferings of those who stood firmly with us in our day of adversity, who with their arms assisted to raise, and with their blood to cement, the glorious temple which we raised to independence. Shall those awful dispensations of Divine Providence pass before us without being deeply impressed with the baleful consequences of being a divided people? We must unite upon national ground; we must cherish a national spirit and become an united people against all foreign foes; or (which God forbid) the day may come when we, like the people of France, in sackcloth and ashes may weep over the ruins of our unhappy and dismembered country. The page of history is full of the most impressive lessons, but if any one truth be more repeatedly or impressively illustrated, it is the necessity of union amongst the people. Let us be wise, and profit by the experience of ages. In our late war we had too much of contention, too much of division, but, Heaven be praised, with all our embarrassments and

all our draw-backs, a just and glorious war has been terminated by an honorable peace. Long may the peace continue; long may the nation repose in honor and safety on the laurels with which our faithful militia, our brave army, and gallant navy have profusely strewed the land, the ocean and the lakes. The best way to preserve peace is to be prepared for war. We live in an eventful age, and duty requires prudent perparations to meet those dangers which jealousy, hatred and envy may engender. The late war has done more to secure the permanence of our republican institutions and to establish for us a character abroad, than its most zealous advocates and almost sanguine friends could have hoped. It has shewn us our strength and our weaknesses, and we owe it to ourselves, our posterity and mankind, to profit by the knowledge thus acquired.

During the late war the soil of this commonwealth was never trodden by an hostile foot, yet it had at one time a greater number of militia and volunteers in the service of the United States than were at any time in the field from any other state in the union. Our militia and volunteers were actually engaged with the enemy in Canada, on lake Erie, at Baltimore and elsewhere, and stood ready to repel him from the states of New York and New Jersey. These are proud facts for Pennsylvania, and I could not deny myself the gratification of placing them, without comment, before our fellow-citizens; not, however, without cherishing the hope that they may stimulate to such legislative provisions as shall make the militia the best and safest, as it always must be the surest, instrument for the support of national independence and the preservation of internal tranquility.

Experience has shewn the futility of the idea of converting every man into a soldier. An efficient defence

must in my judgment be sought in a select militia. Such a body, always organized, disciplined and well appointed, can on any emergency be promptly brought into the field; and so long as freedom is appreciated and patriotism inherited from a brave ancestry, we shall never want abundant materials to form such a force. To attain this desirable object, it would seem only necessary to aid and foster the spirit that animates our youth, by granting immunities to those who shall enrol themselves in select corps to serve such a period as may be fixed by law, holding forth to him who honorably discharges his duty, future exemption from service, a liberal remuneration for the uniform and accoutrements furnished by him, and for the time he shall have spent in acquiring the art of war. It is well observed, in the farewell address of the great and the good Washington, that "timely disbursements to prepare for danger, frequently prevent greater disbursements to repel it." The whole male population between certain ages might be held in reserve, enrolled and mustered perhaps once a year. The quantity of labor which would be performed by this latter body on those days now spent in attempting to teach them the military art, would be in value, equal to the expense which ought to be incurred in organizing and equipping a very considerable body of select militia. I cannot dismiss this subject without declaring my conviction that the late war has manifested the patience under privations, the military ardor, and innate courage of our fellow citizens. In the south, where difference of language, of habit, and even of national prejudices, tended to disunite and distract, yet all were, through the delicate attentions, sagacity, firmness and super-eminent qualifications of one of the first heroes of the age, made subservient to the general weal, sources of the most honorable emulation and causes of the most glorious triumph.

The reports of the brigade inspectors, made agreeably to law, of the arms, ammunition, military stores and camp equipments, in their respective brigades, exhibit much valuable property, some of it in such a state as to impress the legislature with the necessity of collecting it into depots where it can receive the attention necessary to preserve it from destruction. I would suggest that an arsenal for such purposes be built at the seat of government, and another some where near lake Erie. Of the rifle, so destructive to an enemy in the hands of our hardy woodsmen, there are few the property of the state. I would recommend the purchase of some, and an increase also of field ordnance.

The loan of \$300,000 directed by a law of the last legislature, to enable the United States to pay the Pennsylvania militia and volunteers who had been in service the last campaign, was effected as soon as practicable. Unfortunately the sum was not sufficient to pay all who were entitled, and congress not having made any appropriation of monies for the payment of militia, some remain unpaid even at this late period. If any thing should prevent congress from promptly attending to this subject, I would recommend an additional loan to enable government to pay those meritorious citizens who are yet unpaid. Legislative exposition is required of the law giving additional pay out of the state treasury, to our militia while in the service of the United States. It is doubted whether the provision of the law extends to and embraces the cases of those of our militia who had been ordered into the service, but who were arrested on their march by the order of the secretary at war before they arrived at the place of rendezvous.

A declaratory law appears necessary to prevent in certain cases a deprivation of the elective franchise. The letter of the constitution does not, as is found in practice, secure that invaluable right to all those who

are believed to be within the spirit of its guarantee. It is submitted to your consideration whether, under legislative provision, the qualifications necessary to exercise the right of suffrage may not be more clearly defined and better secured, than if all cases of doubt are left to the decision of irresponsible officers, whose decisions on similar points are as dissimilar, as are the feelings, prejudices or opinions of the different individuals who constitute the various election tribunals throughout the state.

Relieved from the various and complicated duties incident to a state of war, the legislature will turn more of their attention to the cultivation of the arts of peace and the amelioration of such of our laws as may be found to have any unsound analogy to the severity of European polity. First in order, and first in the interest of humanity, stands a completely revised penal code. The materials in the report of the Attorney General, and reports and bills of late legislatures on this subject, will it is hoped be found so ample as to greatly lighten the labor of graduating a scale of crimes and proportionate punishments. A system of criminal jurisprudence which shall, as far as human laws can, shield persons and property against outrage and injustice, and yet be tempered with mercy and mildness, is, I am confident, expected by the christian and the philanthropist. In the contemplated system, it is hoped, will be introduced ample provision for the suppression of vice. In addition to what on this subject is mentioned in a communication I had the honor to make to a former legislature, dated December 10th, 1813, to which I beg leave to refer, permit me to suggest the propriety of preventing, as well the demoralizing practice of holding unauthorized fairs, and of so regulating those that are authorized, as to prevent their being scenes of dissipation and vice, rather than marts for the purpose of sale and barter, as the pre-

venting also the violation of the law against lotteries. Its penalties are openly evaded, under the spacious name of "distribution of property;" by this ingenious device, swindling is practiced to an enormous amount. It would in a great measure prevent or at least tend to lessen the evils of drunkenness, if the property of habitual drunkards were placed in the hands of trustees, without whose consent debts subsequently contracted by any such mentally diseased person, should by law be irrecoverable.

Frequent and serious reflection has confirmed the suggestions made in the communication above alluded to, that the results of forfeited recognizances in cases of personal wrong, ought of right to be applied to remunerate the parties injured; also as to the modification of the sums to be paid for tavern licenses: provision to be made to prevent the too frequent setting aside the verdicts of juries (now become more necessary, when new trials are ordered for reasons having no bearing upon the merits of the matter in controversy:) respecting larcenies committed without the state: the inefficiency of the writ of habeas corpus: the frequent applications for pardon, and the want of a court of revision in capital cases. I beg leave to introduce to your notice also, that it frequently occurs in countries where the sitting of the court of quarter sessions is limited to four days, that criminals cannot be sentenced, because a verdict of guilty is not found within that period. Imprisonment to the next term is the consequence, costs are incurred and the escape of the criminal hazarded. For remedy, I would recommend a continuance of that court during the week in which it commenced, and a continuance so much longer as may be necessary to completely end by verdict and judgment any cause commenced during said week. As it frequently happens that persons accused of the higher grade of offences are not arrested and secured

in time so that a precept can issue for holding at the next session a court of oyer and terminer, I would propose that at a court of quarter sessions, the president being present, a court of oyer and terminer and general gaol delivery may be opened and held, though no precept for that purpose may have been previously issued. I would propose, also, that seduction be punished as a criminal offence. The law by which persons wrongfully accused of crimes and misdemeanors are compelled to pay the costs of their own witnesses, is oppressive and dissimilar to the usage in other cases. It ought to be provided, that where the return of *ignoramus* is made by a grand jury, or where on trial a verdict of not guilty is rendered, and the prosecutor is ordered to pay the costs, the juries shall respectfully determine, whether the defendant's costs shall be paid by the prosecutor or by himself. If an indictment for a nuisance in a public road or highway is on trial not sustained, it ought for obvious reasons to be provided, that the prosecutor shall not be liable for costs, unless there be evident malice and want of probable cause.

The object in the contemplation of a late legislature, in having reported by the judges of the supreme court, such parts of the English statute law as are of force in this state, is confidently anticipated from the present general assembly.

No sufficient reason presents itself to my mind, why the trial of issues in fact is imposed on the judges of the supreme court: so much time is thereby consumed, as makes it impossible for them to hold the courts of error twice a year. I would suggest a provision for the trial and disposal otherwise of such causes, and an injunction that the supreme court be held twice a year in each of the several districts of the state. That an allowance by a judge must be had before a writ of error or of *certiorari* can issue, proves often derogatory

to personal liberty. Those writs, because the judge who allows them has no discretion, might with safety be sued out from the supreme court and courts of common pleas respectively, without such allowance, and the affidavit required on those issuing from the latter court, might be taken before the prothonotary or before a justice of the peace. Arbitrators it would seem, agreeably to a decision of the supreme court, cannot non-suit a plaintiff. Should they not possess this power, so that they may not be required to try a cause where there is no evidence? Powers co-extensive with those of the supreme court to reverse arbitration proceedings, ought to be vested in the courts of common pleas which now seem to be denied to the latter. Under the arbitration law of 1810, the plaintiff appealing gives bail for the money; but the defendant, who generally is under the temptation to appeal for delay, is only required to enter special bail. This requires correction. The defendant should certainly not appeal with greater facility than the plaintiff. The sureties of sheriffs are now exonerated at the end of two years after the office expires, a period too short for a development of the various transactions incident in many counties to that office. I would recommend that sheriffs' bonds hereafter to be taken, as respects their sureties, should be in force for five years after the expiration of the office. The ambiguity in the 20th section of a law, passed 24th of February, 1729-30, entitled "An act for the relief of insolvent debtors within the province of Pennsylvania," declaring who shall not be elected sheriff, has created much difficulty. I would recommend the repeal of that section and the enactment of a law, amply guarding the citizen against oppression by the officer, and defining clearly incompatibilities. Sheriffs omitting to return judicial writs at or before the day they are returnable, ought to be personally responsible, unless it happened from some unavoidable cause.

The people are frequently subject to laws for months before they are promulgated. This is much complained of and ought to be remedied, by directing that laws of a general nature, taking effect within six months after their passage, shall be published in newspapers. Decisions by courts of law which regard acts of assembly, should be represented to the legislature; and uniformity of decisions on similar points would more generally prevail throughout the state, if written decisions and all others of importance made and pronounced by courts, were reported and published. These subjects being for the most part intimately connected with the administration of justice, criminal and civil, will, I feel assured, engage your serious attention.

The subject of manufactures, from full experience during the restrictive system and the war, is now so well understood as respects the practicability of advantageously carrying them on, as to the kind of goods which may be made and the quality and durability of the articles which have had a fair experiment amongst us, that it is deemed unnecessary to urge arguments in their support. The general government, fully aware of the importance of the subject, will it is confidently hoped, follow the dictates of political wisdom, and protect our manufactures against injurious foreign competition or combination: a contrary course would protract the long and anxiously sought real independence of our country, and again impose on us a dependence almost colonial. So far as individual state means can aid national measures for the promotion of this and other desirable objects, we may confidently pledge the co-operation of faithful Pennsylvania, who we anticipate will soon take a conspicuous and permanent rank amongst manufacturing nations.

At no time since the existence of our government, was the utility and value of inland navigation more

clearly evinced than during the late war. The embarrassments, disappointments and losses to the government and to citizens, consequent from the want of that mode of intercourse and transportations, for war-like as well as commercial purposes, have been so manifest, that further excitement than a reference to the example and projects of our sister states and other nations is deemed to be useless. It may, however, be proper to add, that notwithstanding appropriations of near a million of dollars of the public treasure during a short period, and the extraordinary expenses of the state during the war, our resources are unimpaired, and, united with individual wealth and enterprise, are equal to the accomplishment of any practicable water communication. I presume again to invite your attention to those two highly important objects: the connection of the waters of the Chesapeake and the Delaware, and those of the Susquehanna and Schuylkill.

On the subject of education, I regret to say, that of the many seminaries throughout the state which have been aided by grants from the legislature, few have gone into operation on a liberal scale, and those few are unprosperous for want of sufficient funds. This state of things is probably owing to a too general diffusion of individual support and public bounty: and such would not have been the result, if endowments by the legislature had been more consonant to the constitution, which directs that "the arts and sciences shall be promoted in one or more seminaries of learning." While on this subject I feel it a duty to say, that from various considerations and local causes, the injunction, that schools be established throughout the state in such manner that the poor may be taught gratis, has not been carried into effect, to the extent nor in the liberal spirit of that instrument.

It is with high gratification I refer the legislature to the auditor general's exposition of the financial con-

cerns of the commonwealth. So abundant has been our revenue, that of the debt of 300,000 dollars, contracted under an act passed the 25th day of February, 1814, to pay expenses incident to the war, there remains unextinguished but 45,000 dollars. This balance could now be paid, but will not be received before it is due agreeably to the contract. And we have a well grounded hope soon to extinguish the loan to the state of other 300,000 dollars first above alluded to, without embarrassing the treasury, and of meeting also in due time any unapplied for appropriations, as well as any probable reasonable expenditure for the further improvement of the state, which the prevailing spirit of liberal policy can dictate to a wise and prudent legislature.

For proof of how little the just and necessary war in which the nation has been engaged has obstructed the channels of wealth, and for evidence of the continued happiness and general prosperity of the state, Pennsylvania exultingly looks to the many and lately erected monuments of public spirit, amongst which are seen, bridges over the Delaware and Schuylkill, and four over the bold and rapid Susquehanna; three of them completed within three years from the commencement of the work, and the fourth at the seat of government rapidly progressing. A bridge is also building at Berwick over the N. E. branch of the Susquehanna. A turnpike road from Philadelphia by way of Reading to Sunbury, is extending itself towards Erie, dividing the state into two nearly equal triangles. Another turnpike road from Philadelphia by way of Lancaster, is progressing along the southern boundary of the state towards Pittsburg, a place which bids fair to be the great manufacturing mart of western America. A general spirit of public and private liberality, observable in every section of the state—an unparal-elled progress of arts and manufactures—vast and val-

nable agricultural improvements, abundant harvests and consequent increase of wealth—these indisputable and unerring indications of a prosperous community, are amongst the blessings which copiously flow from a rational government administered by the people's agents for the people's good. May we continue duly to appreciate the inestimable principles of religious, civil and political liberty, and to be duly grateful for the favors lavished upon us by Him, who is the giver of all good.

I am persuaded that your sound judgments and pure motives, aided by local knowledge and a concentration of public opinion from every part of the state, will readily discern and promptly adopt those plans which will best promote the happiness and well being of the commonwealth; and I promise a cheerful co-operation in all measures tending to a judicious regulation of our finances, the equal distribution of justice, the promotion of useful knowledge, and generally an inculcation and fostering of all the virtues which constitute the strength and can alone secure permanence to governments, founded as are our state and national constitutions, on the equal rights of man.

SIMON SNYDER.

Harrisburg, Dec. 8, 1815.

To the Assembly vetoing "An Act for the Regulation of the Militia."

THE BILL, ENTITLED "AN ACT FOR THE REGULATION of the militia," was presented for my approbation but a few days preceding the adjournment of the last legislature. The multiplicity and pressure of my official duties at that period, particularly from bills previously and subsequently presented,

and many of them requiring prompt attention, precluded the possibility of my then devoting the time necessary to understand the principles, much less the details, of so important a bill. I have since examined with care all its principles and provisions, and I am impressed with a conviction, that the interests of the community will be promoted and the militia system rendered more perfect by submitting the bill to the consideration of the present legislature. I therefore return it to the Senate, in which it originated, with the following objections.

First—Because the bill was predicated upon, and has various references to the war, which existed at the time the bill was draughted, and during a great part of the time it was under consideration; and the amendments which in some places were adopted to make the phraseology of the bill conform to the peace which had been concluded, have made the sense and intention of the legislature less obvious than is desirable, and less clear and definite than they would have been, had not the relations of the nation changed so materially, from the time the bill was drawn to the time when it finally passed the legislature.

Second—Because a law, which imposes extensive and important duties and heavy penalties for their non-performance, ought to be clear of ambiguity, simple, and easily understood; whereas the bill under consideration, from circumstances just alluded to, does not carry with it these essential characteristics.

SIMON SNYDER.

Harrisburg, Dec. 6, 1815.

To the Assembly Transmitting Certain Documents.

IN CONFORMITY WITH A RESOLUTION OF THE last legislature, non-concurring in certain propositions by the legislatures of Connecticut and Massachusetts, for amending the constitution of the

United States, I transmitted to each of the Senators and Representatives of this state in Congress, a copy thereof; I transmitted also a copy to the executive of each state in the union. The governors of Ohio and Rhode Island have acknowledged each of them, the receipt of my communication, and have given assurances, that the subject shall be laid before the legislatures of their respective states. Copies of their letters are herewith laid before you; also of a communication from the governor of New York, covering the rejection by the legislature of that state, of the said proposed amendments.

E. Bollman has advised me by letter, that he has lately returned to this country from Europe, that if the legislature shall take into consideration his propositions relative to weights and measures, communicated to the last legislature, he is ready to act upon the subject. I transmit a copy of his letter.

I take this occasion to submit remarks upon our present militia system, and suggestions for its improvement, made by several militia officers, in conformity with one of the sections of the act of the 28th March, 1814.

SIMON SNYDER.

Harrisburg, Dec. 22, 1815.

To the Assembly concerning the collection of Certain Court Martial Fines.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses in which they respectively originated, viz:

* * * * *

I also lay before you a copy of a letter to me, from Nathaniel W. Sample, Jun., Esq., inspector of the

2d brigade, 4th division, P. M. The notoriety of the subject matter contained, precludes the necessity of any remarks other than that its importance may command the early attention of the General Assembly.

SIMON SNYDER.

Harrisburg, February 20, 1816.

Strasburg, February 14, 1816.

His Excellency Simon Snyder:

Sir—I think it my duty to communicate to your excellency, what has taken place relative to the fines assessed by the court martial on the delinquents belonging to the 2d brigade, 4th division, P. M. After the decision of the court had been approved by your excellency, the presiding officers in conformity to the act of congress, made out two certified lists of fines, the one directed to the marshal of the district, the other to the comptroller of the treasury. The deputy marshal for the county of Lancaster proceeded to collect the fines, in doing which, he was under the necessity of levying by distress, the amount assessed by the court on ten of the delinquents. Those delinquents have brought an action of trespass against the members of the court martial, the judge advocate, the deputy marshal and the brigade inspector; which suits are now pending in the court of common pleas for the county of Lancaster. Since the bringing of the suits, the deputy marshal has suspended his proceedings in consequence of orders from the marshal, by which means the fines remain uncollected.

Your excellency will perceive the importance of having the question immediately tried, as also the unpleasant situation in which the members of the court are placed—compelled as they are to defend suits for acts done in discharge of a public duty. Under the impression that your excellency is disposed to protect officers in the discharge of their duty, I have thought

it correct as brigade inspector of the 2d brigade, 4th division, P. M. to make this communication.

Most respectfully, I am,

Your most obedient servant,

[Signed] Nathl. W. Sample, Jun.,

Inspector, 2d brigade, 4th division, P. M.

To the Assembly with regard to Jurisdiction over Property near Pittsburg, Philadelphia and Carlisle for the use of the United States.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the House of Representatives in which they originated, viz:

* * * * *

I hasten to lay before you, as well a letter from the secretary at war, soliciting for the government of the United States a cession of jurisdiction over real estate near Pittsburg, purchased by that government for the erection thereon of buildings for the purposes of war, with a designation of the particular site attached thereto, as a letter also from Callender Irvine commissary general, written in obedience to directions from the department of war, accompanied by two deeds to the United States for property in the neighborhood of the city of Philadelphia—in which letter he intimates an early transmission of other deeds for property near Carlisle, all purchased for similar purposes. The importance of the subject, it is presumed, will command the early attention of the General Assembly.

SIMON SNYDER.

Harrisburg, February 26, 1816.

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To the Assembly transmitting a Resolution of the Legislature of Virginia concerning an inland Water Communication with the Great Lakes.

ITS IMPORTANCE WILL, I TRUST, APOLOGIZE for introducing to your notice, at this late period of the session, a communication to me from the executive of Virginia received yesterday evening, covering a resolution by the legislature of that state, relative to the long desired, and to the union all-important general inland water communication. To the cogent and convincing arguments of the Governor, on this obviously interesting subject, I desire to add a hope that the public feeling and opinion therein, may speedily be brought into operation, by the production in Pennsylvania of one more monument of generous policy, for which, and her liberality, she is acknowledged proudly pre-eminent; that as an earnest of her intentions, she will extend promptly a fostering hand towards effecting a communication between the Susquehanna and the Seneca lake, and progressively with the great northern lakes and river St. Lawrence, thus facilitating the introduction into this state and into the Chesapeake, the salt, plaster of paris, and the various other productions of the lake country, and the transportation in to that country, and farther north by the same channel, the coal and iron of Pennsylvania.

SIMON SNYDER.

Harrisburg, March 15, 1816.

To the Secretary of War, transmitting an Act of Assembly authorizing the Governor to negotiate a Loan for paying the Militia and Volunteers of the States late in the Service of the United States.

Harrisburg, March 14th, 1815.

Sir:

I ENCLOSE TO YOU A COPY OF AN ACT PASSED by the legislature of this state at their late session, authorizing the Governor to negotiate a loan, for paying the militia and volunteers of this state late in the service of the United States. The motive for this law is too obvious to need any elucidation. If the government of the United States is not prepared to pay those troops, I shall be happy to learn from you, whether that government will accept the loan from Pennsylvania on the terms and conditions prescribed in the law.

I have the honor to be,

Very respectfully,

Your obedient servant,

SIMON SNYDER.

Secretary at War.

Department of War, 24th March, 1815.

Sir—I have the honor to acknowledge the receipt of your letter inclosing a copy of the act of the General Assembly of Pennsylvania, entitled, “An act authorizing the Governor to negotiate a loan for paying the militia and volunteers of this state, late in the service of the United States,” passed the 11th of March, 1815. This communication has been submitted to the President, who authorizes me to express his high sense of the uniform patriotism and public spirit of the legislature of Pennsylvania, to accept the loan of \$300,000 (or such part of that sum as may be necessary for the contemplated object.) at an interest of six per centum per annum, to be reimbursed at any time within three

years, upon the condition prescribed in the act, and to give you an assurance, that the sum so loaned shall be applied to the payment of the militia and volunteers of Pennsylvania, late in the service of the United States.

I cannot allow this opportunity to pass, without an expression of the personal gratification, which, as a grateful citizen of Pennsylvania, I have derived from contemplating the exemplary conduct of the state, in its relations to the national government, during your administration.

I am,

With great consideration and respect,

Sir, your most obedient servant,

[Signed] A. J. Dallas.

His Excellency Simon Snyder, Governor of Pennsylvania.

■

To the Directors on Behalf of the State in the Bank of Pennsylvania, negotiating for a Loan from that Bank for the Payment of the Pennsylvania Militia and Volunteers late in the Service of the United States.

Harrisburg, 28th March, 1815.

Gentlemen:

THE PRESIDENT OF THE UNITED STATES, having agreed to accept from the state of Pennsylvania, on loan 300,000 dollars, or such part of that sum, as may be necessary to pay the militia and volunteers of the state late in the service of the United States, on the conditions and for the purposes prescribed in an act passed by our legislature on the 11th day of March, 1815. It now becomes my duty to obtain on loan, from any of the incorporated banks in

Pennsylvania, a sum equal to the contemplated object. I am prompted by the large interest the state has in the institution of which you are directors on behalf of the commonwealth, through you first to ask how much of that sum, or whether the whole sum that may be necessary for the contemplated object, can be obtained on loan from the Bank of Pennsylvania in the course of about three weeks, on the terms and conditions prescribed in the said law, a copy whereof, as well as a copy of a letter from the Secretary at War on the subject, is herewith forwarded.

With high respect,

I am, Gentlemen,

Your obedient servant,

SIMON SNYDER.

Messrs. John Binns, John Jennings and others, directors on behalf of the state in the Bank of Pennsylvania.

Philadelphia, April 1st, 1815.

Dear Sir—In consequence of your letter, received on the 30th ult. addressed to myself and the other directors on the part of the state in the Bank of Pennsylvania, I waited the same day on the secretary of the treasury of the United States, to ascertain whether some arrangement could not be made, so as that the Bank of Pennsylvania should transfer, to the general government such an amount of treasury notes as a loan from the state, as would suffice to pay the militia and volunteers of Pennsylvania, which had been in the service of the United States. My anxiety to make this arrangement arose out of my belief, that from the heavy loans made by the bank to the United States, and the large amount of treasury notes held by the bank, that the institution could not make to the state the loan required. The secretary made objection to such an arrangement, which I was unable to overrule.

The next day Messrs. Connelly, Cary, Richards, Jennings and myself, signed a letter addressed to the board of directors in obedience to your instructions, which letter was that day presented and referred to a committee. The state directors concurring with me in opinion, that the board will not be able to make the loan required, suggested that I should on their behalf, suggest to you, the propriety of so extending your authority to borrow, as to authorize them to apply to the other incorporated banks, so as among them to be able to raise the sum wanted in the time required. The same ideas and opinions being stated at the board of directors, I feel it my duty to submit them to your consideration, and accompany them with the foregoing statement of facts.

I have the honor to be,

Respectfully your Excellency's

Obedient servant,

[Signed] John Binns.

Simon Snyder, Esq., Governor of Pennsylvania.

To the Directors of the Bank of Pennsylvania authorizing them to negotiate Loans from the various Banks of Philadelphia for the payment of the Pennsylvania Militia and Volunteers late in the Service of the United States.

Harrisburg, 5th April, 1815.

To John Binns, John Connelly and others, directors of the Bank of Pennsylvania:

THE SUGGESTION THROUGH MR. BINNS, that the Bank of Pennsylvania should transfer to the United States, a sum of treasury notes as would be equal to the payment of the Pennsylvania militia and volunteers late in the service of

that government, and that such transfer be considered as a loan from the state to the United States, would have essentially advanced the interest of the commonwealth, which holds two-thirds of the stock in that institution. It is to be lamented that such an arrangement could not be acceded to by the secretary of the treasury. A report, that the Bank of Pennsylvania had it in contemplation to make a loan to the United States of \$500,000, induced the application by me to that institution alone. But learning from your letter of the 1st April, which came to hand yesterday, that the board will not be able to make the loan required, you and others, directors on behalf of the state, will therefore consider the authority in you vested, by my letter of the 28th March, extended to, and you will now apply to any and all the incorporated banks in the city and Liberties of Philadelphia, for a loan or loans, so as that the object contemplated by the law of the 11th March last, may be attained.

I am very respectfully,

Gentlemen,

Your obedient servant,

SIMON SNYDER.

Philadelphia, April 24th, 1815.

Dear Sir—I am at length enabled to announce to you the completion of the loan of 300,000 dollars, and I beg you to be assured, that the commissioners to whom you entrusted this negociation, have been neither inactive nor unanxious. Difficulties arising out of the want of a general circulating medium, and the desire felt by all the banks to arrange their affairs preparatory to the resumption of specie payment, were to be surmounted and others were to be overcome. Without detaining you to detail the several steps taken, it will, I presume, be sufficient to acquaint you with the general result; such was the sentiment of the commis-

sioners, and they appointed me to communicate them to your excellency.

The Bank of Philadelphia agrees to take, ..	\$50,000
North America,	50,000
Farmers' and Mechanics',	40,000
Pennsylvania,	30,000
	<hr/>
	\$170,000

In conformity to the act of Assembly passed March 11th, 1815.

The Mechanics' Bank agrees to take,	\$50,000
Commercial,	40,000
Schuykill,	20,000
Northern Liberties,	20,000
	<hr/>
	\$300,000

In conformity to the above act of Assembly, and the sums they severally lend, to be considered as lent in accordance to the 9th section of the act regulating banks. It was found necessary to give them the assurance that the sums lent would be so regarded, before it was possible to procure the money. I enclose the resolution of the Northern Liberties bank, that you may the more distinctly understand the subject.

I have the honor to be sir,

Yours respectfully,

[Signed] John Binns.

His Excellency Simon Snyder.

To John Barclay, President of the Bank of the Northern Liberties of Philadelphia, accepting a Loan of Twenty Thousand Dollars to the Commonwealth, For the Payment of the Pennsylvania Militia and Volunteers late in the Service of the United States.

Harrisburg, May 10th, 1815.

Sir:

THE PRESIDENT AND DIRECTORS OF THE Bank of the Northern Liberties, having, according to request, agreed to loan to the commonwealth the sum of twenty thousand dollars, I do by virtue of the authority in me vested by an act of the General Assembly, entitled, "An act authorizing the Governor to negotiate a loan for paying the militia and volunteers of this state, late in the service of the United States," passed the 11th day of March last, accept of the said loan of twenty thousand dollars on the terms proposed, which sum is to be placed to the credit of the United States, on the books of the said institution, subject to the draft of the paymaster general of the armies of the United States, or to the draft of any other officer, that may be by that government authorized to receive the same, on the conditions prescribed in the said act of the General Assembly. For the repayment whereof, with interest, I pledge the commonwealth of Pennsylvania.

I am,

Very respectfully, sir,

Your obedient servant,

SIMON SNYDER.

To John Barclay, President of the Bank of the Northern Liberties.

[Similar letters were at the same time sent to the presidents of the following named banks: The bank of Pennsylvania for thirty thousand dollars—The Bank of North America for fifty thousand dollars—The Philadelphia Bank for fifty thousand dollars—The Mechanics' Bank of the city and county of Philadelphia for fifty thousand dollars—The Farmers' and Mechanics' Bank for forty thousand dollars—The Commercial Bank of Pennsylvania for forty thousand dollars, and the Schuylkill Bank in the city of Philadelphia for twenty thousand dollars.]

To William Clark, Militia Inspector, authorizing the
Sale of certain named Militia Stores.

Harrisburg, 22d November, 1815.

Sir:

HAVING TAKEN INTO CONSIDERATION YOUR report to me of the arms, camp equipage and military stores in your care remaining, as the property of this state; I do in virtue of the authority in me vested, in and by an act, entitled, "An act to provide for the preservation of arms, camp equipage and other military property, belonging to this commonwealth," passed the 13th day of March last past, order and direct that, with all convenient speed, you proceed to sell (having given reasonable notice thereof,) for the best prices that can be obtained, either by private or public sale, the public stores consisting of the articles following, viz:

17000 musket ball cartrid- ges,	43 pots,
8000 musket ball cartrid- ges, damaged,	3 do. damaged,
1200 pounds of powder,	20 skillets,
300 do. damaged,	4 do. damaged,
60 tin camp kettles, damaged,	1 griddle,
25 iron camp kettles, damaged,	15 large iron kettles,
40 tin pans, damaged,	2 frying pans,
1 gallon measure,	8 wooden buckets,
11 quart do.	9 cans,
4 tin cups,	90 wooden dishes,
6 coffee pots,	100 axes,
14 funnels,	280 do. damaged,
62 bake kettles,	2 do. broad,
7 do. damaged,	2 do. do. damaged,
77 lids,	4 spades,
	3 do. damaged,
	13 shovels,
	5 iron wedges,
	4 grubbing hoes,

6 hammers,	6 knives,
3 shingling hatchets,	4 forks,
9 drawing knives,	1 pitcher,
3 adzes,	1 coffee mill,
12 chisels,	4 bed robes,
20 augers,	10 blankets,
2 square rules,	20 lbs. of nails,
55 gimblets,	40 do. of steel,
1 spike draw,	5 grind stones,
7 hand saws,	2 frows,
5 cross cut do.	4 lbs. coffee, damaged,
2 hand saw files,	4 do. chocolate do.
2 cross cut do.	4 do. loaf sugar,
3 log chains,	30 boxes for cartridges,
6 pair steelyards,	3 pad locks,
20 pocket ink stands,	3 quart bottles,
10 quires writing paper,	1 gallon do.
1 trunk medicine,	2 pint measures,
1 chest do.	2 gill do.
10 plates,	

And having so done, that you make specific report thereof to me, as also of the state that the remainder of arms, camp equipage, &c., shall be in, after you shall have made sale as above directed, in order that your report be laid before the Legislature during their next session as directed by the act, the title of which is above recited.

SIMON SNYDER.

To William Clark, Esq., Inspector of the second brigade, sixteenth division, Pennsylvania Militia.

General Order, directing the Sale of Military Stores
under an Act of Assembly.

General Order.

Harrisburg, 16th March, 1815.

AN ACT PROVIDING FOR THE PRESERVATION of arms, camp equipage and other military property, passed by the present legislature, containing provisions and prescribing duties which require your prompt attention, has induced this early transmission, for your government, of the preceding copy of that law, together with my orders that you proceed immediately to perform all the duties therein enjoined; and that in their discharge, you use due vigilance, and exercise all the authority vested in you by law, and that you make the requisite return of what you shall have done in the premises, to me, on or before the first day of June next.

SIMON SNYDER,

Governor of the Commonwealth of Pennsylvania.

N. B. Boileau, Aid-de-camp.

To Daniel Sharp, inspector of the 1st brigade, 1st division, Pennsylvania militia.

Note.—Similar orders were issued at the same time, to all the brigade inspectors within the commonwealth.

Proclamation declaring the Election of Representatives of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



I N THE NAME AND BY THE Authority of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the General Assembly of this Commonwealth, entitled "An Act to provide for the election of Representatives of the people of this State in the Congress of the United States," passed the twentieth day of March, in the year one thousand eight hundred and twelve, that the Governor having received the returns of the election held in the several counties of this Commonwealth, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district: And Whereas, it appears from the returns of the General Election held on Tuesday, the eighth day of October last, in and for the several districts hereinafter mentioned, that the following named persons were duly elected to serve in the House of Representatives of the Congress of the United States for the term of two years from and after the fourth day of March next, vizt.:

In the district composed of the City of Philadelphia and the counties of Philadelphia and Delaware, Dr. Adam Seybert, William Anderson, John Sergeant, and Joseph Hopkinson. In the district composed of the Counties of Chester and Montgomery, Levi Pawling and Isaac Darlington. In the district composed of the counties of Lancaster, Dauphin and Lebanon, John

Whiteside and James Wallace. In the district composed of the county of York, Jacob Spangler. In the district composed of the counties of Cumberland, Franklin and Adams, William Maclay and Andrew Boden. In the district composed of the Counties of Bucks, Northampton, Wayne, Lehigh and Pike, John Ross and Samuel D. Ingham. In the district composed of the counties of Berks and Schuylkill, Joseph Heister. In the district composed of the counties of Bedford, Somerset and Cambria, Alexander Ogle. In the district composed of the counties of Mifflin, Huntingdon, Centre and Clearfield, William P. Maclay. In the district composed of the counties of Northumberland, Union, Columbia, Luzerne, Bradford, Susquehanna, Lycoming, Tioga, Potter and McKean, William Wilson and David Scott. In the district composed of the counties of Westmoreland, Indiana, Jefferson and Armstrong, David Marchand. In the district composed of the county of Washington, Thomas Patterson. In the district composed of the counties of Fayette and Greene, Christian Tarr. In the district composed of the counties of Allegheny and Butler, Henry Baldwin. In the district composed of the counties of Beaver, Mercer, Crawford, Venango, Erie and Warren, Robert Moore.

Now therefore, I have issued this Proclamation, hereby publishing and declaring that the said Dr. Adam Seybert, William Anderson, John Sergeant, Joseph Hopkinson, Levi Pawling, Isaac Darlington, John Whiteside, James Wallace, Jacob Spangler, William Maclay, Andrew Boden, John Ross, Samuel D. Ingham, Joseph Heister, Alexander Ogle, William P. Maclay, William Wilson, David Scott, David Marchand, Thomas Patterson, Christian Tarr, Henry Baldwin and Robert Moore, are duly elected and chosen as Representatives of the people of this State in the House of Representatives of the United States for the

term of two years, to commence from and after the fourth day of March next.

Given under my hand and the Great Seal of the State, at Harrisburg, this first day of November, in the year of our Lord one thousand eight hundred and sixteen and of the Commonwealth the forty-first.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation declaring the Election of William P. Maclay as a Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election, held in the ninth Congressional district, composed of the Counties of Mifflin, Huntingdon, Centre and Clearfield, in this Commonwealth, on Tuesday, the eighth day of October last, in pursuance of Writs issued by me on Saturday the fourteenth day of September last under the authority of an Act of the General Assembly passed the eighteenth day of February, in the year one thousand eight hundred and five, it appears that William P. Maclay, Esquire, was duly elected to serve as a Representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by Thomas Burn-

side's acceptance of the office of President and Judge of the Courts of Common Pleas, within the eleventh judicial district of the Commonwealth; And Whereas, in and by one other Act of the General Assembly, passed the twentieth day of March, in the year one thousand eight hundred and twelve, it is provided that the Governor, having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each respective district: Now therefore, I have issued this proclamation, hereby publishing and declaring, that the said William P. Maclay is duly elected and chosen as a Representative of this State in the House of Representatives of the United States, during the remainder of the time for which the said Thomas Burnside was elected to serve.

Given under my hand and the Great Seal of the State, at Harrisburg, this first day of November, in the year of our Lord, one thousand eight hundred and sixteen, and of the Commonwealth the forty first.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation of the Election of Electors of President and Vice President of the United States—1816.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, it is provided in and by an Act of the

General Assembly of this Commonwealth, entitled "An Act to direct the manner, time and places of holding elections for Electors of a President and Vice President of the United States," passed on the second day of February, in the year one thousand eight hundred and two, that the Governor having received the returns of the Elections from the Sheriff of the City and County of Philadelphia, and the respective Sheriffs of the several counties of this Commonwealth, shall enumerate and ascertain the number of votes given for each and every person voted for as an elector of a President and Vice President of the United States; and thereupon declare by proclamation the names of the person so duly elected and chosen: And also that he shall notify the same to the Electors respectively, on or before the last Wednesday in the month of November next after such election: And Whereas, it appears by the returns which I have received that Paul Cox, David Mitchell, John Geyer, Daniel Bussier, John Conrad, William Brooke, Isaac Anderson, Mathew Roberts, John Mohlar, John Harrison, Jacob Hostetter, John Rea, William Gilliland, Michael Fackenthall, James Wilson, Gabriel Heister, James Meloy, James Banks, Robert Clark, Abriel Fellows, David Marchand, Thomas Patterson, Joseph Huston, Samuel Scott and James Alexander are the persons for whom the greatest number of votes were given at the said election held on Friday, the first day of November inst't: Now therefore, I have issued this proclamation hereby publishing and declaring that the said Paul Cox, David Mitchell, John Geyer, Daniel Bussier, John Conrad, William Brooke, Isaac Anderson, Mathew Roberts, John Mohler, John Harrison, Jacob Hostetter, John Rea, William Gilliland, Michael Fackenthall, James Wilson, Gabriel Heister, James Meloy, James Banks, Robert Clark, Abiel Fellows, David Marchand, Thomas Patterson, Joseph Huston, Samuel Scott and James

Alexander are duly elected and chosen Electors of a President and Vice President of the United States, to serve at the Election in that behalf to be held at the seat of Government of this State, being the Borough of Harrisburg, in the County of Dauphin, agreeably to the said Act of the General Assembly of this Commonwealth and the Acts of Congress in such cases made and provided.

Given under my hand and the Great Seal of the State, at Harrisburg, the sixteenth day of November, in the year of our Lord one thousand eight hundred and sixteen, and of the Commonwealth the forty-first.

By the Governor.

N. B. Boileau, Sec'y.

To the Assembly giving Notice that the Presidential Electors are ready to perform their Duties.

IN PURSUANCE OF THE FOURTH SECTION OF an act of the General Assembly of the Commonwealth of Pennsylvania, approved the 2d day of February, 1802, entitled "An act to direct the manner, time and places of holding elections for electors of a president and vice president of the United States," it becomes my duty to inform the legislature that the following gentlemen have given notice to me, that they are at the seat of government, and ready to perform the duties of electors of president and vice president of the United States, viz: Paul Cox, David Mitchell, John Geyer, Daniel Bussier, John Conard, William Brooke, Isaac Anderson, Matthew Roberts, John Mohler, John Harrison, Jacob Hostetter, William Gilliland, Michael Fackenthall, James Wilson, Gabriel Hiester, James Meloy, James Banks, Robert Clark,

Abiel Fellows, David Marchand, Thomas Patterson, Joseph Huston, Samuel Scott, James Alexander and John Rea—Being the whole number authorized to be chosen by this state.

SIMON SNYDER.

Harrisburg, December 4, 1816.

Annual Message to the Assembly—1816.

Fellow Citizens:

WE MEET TO FULFIL OUR CONSTITUTIONAL duties, under circumstances of happiness and promise peculiar to us as a people. Peace, plenty and safety are within our walls, and we are invincible in the character we have acquired. Our nation has just exhibited to the world a scene of the most interesting and peculiar kind: a chief magistrate of the United States, to serve four years, has been elected, and is indebted for his elevation solely to his virtues, his talents and patriotism. Such an election and such an opportunity for a people to reward a faithful public servant, is only presented under our happy form of government. May we long enjoy it, and our children and their children's children, by fidelity to principle, singleness of heart and simplicity of manners, prove themselves worthy of those who dared to proclaim our independence and our rights, and those whose valor and whose sufferings achieved such inestimable blessings.

The interesting view which our country presents in its many existing and progressing improvements, and in the inland navigation of which our state and adjoining states are susceptible, suggests to the mind as one of the best, and eventually to Pennsylvania, most profitable improvements, a canal connecting the

lake waters in the state of New York with the Susquehanna river. Independent of the trade from that state which would thereby flow through our country and to our metropolis, and independent of its probably issuing in a water communication to the St. Lawrence, there would accrue numerous advantages to the inhabitants on the wide spreading Susquehanna, the Juniata and their numerous tributary streams, by securing to them a cheap water carriage of gypsum, now an essential in agriculture, and for that indispensable necessary of life, salt. Another great advantage would be the facility and cheapness with which the iron of Centre, Huntingdon and other counties in Pennsylvania would be transported to the lake country, where nature has denied that most valuable of metals. These very obvious advantages to our constituents, will, I flatter myself, induce a liberal legislature to aid by a subscription for stock, a company authorized by a law of New York to cut a canal from the head of Seneca lake to the Chemung, a branch of Tioga which empties into the north east branch of the Susquehanna. A memorial on the subject and a letter containing information which may facilitate inquiry, I take the liberty herewith to present.

That our judiciary system has not attained that perfection essential to a prompt and faithful administration of justice, is a truth generally acknowledged, and by many severely felt. I have, to a former legislature, hazarded the opinion that the evils complained of are not so inherent in the system, as they are consequences resulting from the practice under it. By the official reports of the prothonotaries of the several counties, it is ascertained that in most of the counties double, and in some more than four times as many suits at law, are finally disposed of by arbitration, as are determined by jury trial. In one of the western counties thirty-three causes were finally dis-

posed of under the arbitration system in one year, during which time it does not appear that one suit was tried by a jury. These facts incontestibly prove that, inefficient as may be our system of jurisprudence, yet it cannot with truth be ascribed to its defects that in Pennsylvania justice by jury trial is not administered "without sale, denial or delay." The experience and observation of a life, chiefly spent in public stations, convince me that so long as the chambers of counselors are beset by clients, in term time, frequently until ten o'clock in the day for the purpose of preparing for trial causes then on the trial list, and that in consequence of such and other indulgences by the judges, not more than four or five hours of the day are devoted to business in the court room, and so long as the laudable practice of determining every cause without adjournment is not adopted by the courts or enforced by the legislature, so long shall we be compelled to witness an entire term taken up in the trial of a single (perhaps) unimportant cause; and short sessions and long adjournments will render a dead letter the constitutional injunction which has been quoted. In addition to the suggestions made, on this important subject to the last legislature, is now submitted whether some provision ought not to be made to guard against the frauds and injustice too often consequent on the manner in which mortgages are given and the length of time they are kept without being put upon record, to the injury of innocent purchasers and of creditors who may obtain judgments subsequent to the execution, though previous to the recording of the mortgage. The practice of insolvent debtors making assignments, excluding all those of their creditors from any share of the property of the insolvent who do not agree to the terms dictated in the assignment before a given time, is believed to be pregnant with injustice. Some legal regulation on this subject is loudly called for.

It is held by some of our courts of law, that the amount of a judgment obtained amicably before a justice of the peace for a sum exceeding one hundred dollars, and subsequently entered in the office of the prothonotary agreeably to, and under a special provision of the act, entitled "An act to amend and consolidate with its supplements, the act, entitled 'An act for the recovery of debts and demands not exceeding one hundred dollars, before a justice of the peace, and for the election of constables and for other purposes,'" cannot be recovered nor can the judgment be revived by any process of the court when the period approaches at which it would cease to be a lien on the real estate of the defendant. Believing that under this construction of the law, the object contemplated by the legislature is not attained, I would recommend such an amendment of the law as would make a justice's judgment, when filed and entered according to law, have all the attributes, force and effect, and to be proceeded upon as if the judgment had been originally obtained before the court of common pleas.

A knowledge of cases of hardship and cruelty, induces me to solicit legislative interposition in behalf of the unfortunate and unprotected wife and children of the confirmed drunkard. The demoralizing, depopulating, and, I regret to say, increasing vice of drunkenness, would, in my judgment, be checked by a classification of taverns, by raising the price for licensing such as are useful and necessary, and by preventing the granting of licenses to houses not necessary for the accommodation of travellers or the inhabitants of the vicinage, and whose only customers are the drunkard and his vicious associates. I reiterate with more increased anxiety the wish, that seduction be punished as a criminal offence.

The frequency of oaths, and the levity with which they are commonly administered on occasions trifling

and unnecessary, beget indifference and irreverence for the most awful appeal which the creature can make to his Creator. This has not only a most pernicious influence upon morals and the order of society generally, but it causes the commission of numerous injuries by perjury. This abomination in our land, it is feared, will increase whilst oaths are uselessly multiplied, and so long as the distinction between merely moral and constructively legal perjuries shield the perjured against prosecution and deserved punishment.

Reason, on which our laws are said to be founded, has not like vices and crimes, degrees and sub-divisions. Like its Divine Author, it is an eternal and unchangeable unit. As it is so eminently desirable, let us in our polity as nearly as human nature is capable of, conform to this immutable divine law. Let us endeavor to restore to proper consideration this most solemn transaction between man and his God. Would not the attainment of this important object be promoted by prohibiting magistrates from administering oaths in cases neither authorized nor required by law, where no penalty is incurred by swearing, however falsely and wickedly; and by inflicting the punishment of corrupt perjury in wilful deviations from truth in judicial investigations on matters even immaterial to the issue trying? And might not traverse jurors at the commencement of each court (as is uniformly practiced with grand juries) be sworn generally for the faithful performance of their duty and the trial of all issues that should be submitted to them? To diminish the frequency of oaths, will add to their solemnity and increase the weight of their obligation on the conscience. Indeed, such is the baneful effects of the present prostitution of oaths, that it may merit consideration whether every citizen, on his first appearance before a court of civil or criminal jurisprudence, should not be sworn generally to perform with fidelity during

his residence in the state, the several and various duties that are or may be by law constitutionally imposed upon members of the community. And to impress the public mind with the sancity of oaths, to purify the administration of justice, to facilitate judicial enquiries, and to remove a chief cause of corruption of the morals of the community, all perjuries committed with intent to do wrong, ought promptly and severely to be punished.

The many laws which for the furtherance of justice have been passed by a succession of legislatures, confirming in special cases conveyance made by aliens for lands by them sold to citizens, has suggested the idea of removing generally by law all disabilities in the former proprietor by reason of alienage, and placing the individual claimant under an alien on ground similar to the commonwealth under the law of escheats.

This occasion is embraced to submit to the legislature a communication made to the Governor by Mr. Jeremy Bentham, of London, on the subject of public law; which, though dated 14th July, 1814, was not received until after the adjournment of the last legislature. As this philanthropic communication arose out of suggestions of our esteemed fellow-citizen, Albert Gallatin, his letter to the Governor and Mr. Bentham's are herewith submitted, and also a letter from the Governor, and other papers connected with this highly interesting subject. The legislature will determine whether, under the circumstances of our as yet unconsolidated systems of civil and criminal polity, we can in the prosecution of this important work be benefitted by the labors of the benevolent Mr. Bentham.

Some of the obstacles that present themselves to the introduction of that system of general education commanded by the constitution, could probably be obviated, if a mode were provided by law as well for laying off the several counties into convenient school dis-

tricts, as for ascertaining also the qualifications of school masters, and by paying out of the state treasury a small salary to those that are approved and faithfully discharge their duties. This would excite to emulation, command adequate talents, and exclude mere pretenders to the science of teaching.

Many and too fruitless have been the efforts made towards a perfect organization and disciplining of the militia. I am of opinion, to make it an efficient national force, it ought to be organized, armed and disciplined under the authority of congress. The constitution of the United States vests this right in the legislature of the union, and their exercise of it would probably secure a more energetic and certainly a more uniform system, than can be hoped from the legislatures of the several states. If I might hazard an opinion, founded on some experience, I would pronounce our present militia law injurious to the service, from its legislating too much. There is in it an unimportant minuteness of detail, which might with advantage be left to the sound discretion of the officer. It is also very diffuse, and contains so many apparent contradictions, inconsistencies and clashings of authority, that its various provisions can neither be distinctly embraced, reconciled, or carried into effect.

The attempt to convert every man, under a certain age into a soldier, is demonstrably futile. The ambition and military pride essential to a soldier, is only to be found among the young and the vigorous; and such materials formed into select corps, well appointed and equipped, would constitute the pride and strength, the safety and glory of our country. These corps, in case of necessity, as was honorably demonstrated by our youth during the late war, would promptly march to meet the enemy at the most exposed and distant points. Such ardour and alacrity is not to be expected from men settled in business and advanced in life,

They have imposed upon them the high and binding obligations of husband and father. These and their pecuniary transactions locate them to a spot from which they depart with reluctance. This description of men should be enrolled, officered and organized, and might be called out in classes or otherwise, when danger was imminent or the select corps unequal to the emergency of the times. To muster this force one day in the year would accomplish all the objects ever likely to be acquired by training the great body of the people. The other days, now worse than uselessly spent on parade, would be employed in adding to the wealth of the nation, and a reasonable commutation would by the men thus excused from militia duty, be willingly paid. The money thus raised would go far to remunerate the select militia for the time by them necessarily spent in acquiring the military art, and in meeting the expenses incidental to providing uniform clothing, so essential to inspire the soldier with respect for himself, his comrades and the profession. Remuneration, and any after exemptions or privileges which might be deemed advisable should be appropriated to those only who should faithfully perform their duties as a citizen soldier for a given time.

The health-law will expire by its own limitation, in March, 1817. To its salutary provisions and the attention to duty of the board of health and other officers of the establishment, may, under Divine Providence, be ascribed the preservation of the city of Philadelphia from pestilential and contagious diseases, and all the losses, miseries and afflictions that have heretofore been consequent on the introduction of yellow fever. These considerations dictate a re-enactment of the law, if possible, in an improved state. On this subject I communicate a copy of a letter from the board of health.

The law establishing the district court of the city and county of Philadelphia, will also expire by its own

limitation in March, 1817. All the inducements which caused a former legislature to establish this court, are believed to be urgent and imperative for its continuance, or the establishment in that district of some other tribunal to assist in the disposal of the multitude of causes which necessarily arise in a populous and wealthy district.

A revision of the eighth section of the act entitled "An act to incorporate the city of Pittsburg," is suggested, because doubts are entertained whether certain gentlemen who officiate as aldermen of that city, are constitutionally vested with such appointments.

The law directing the erection of arsenals has been partially executed. The sum appropriated was found more than sufficient to erect buildings conformable to the act of assembly. The arsenal at Harrisburg is nearly complete. It will contain, on the ground floor, sixteen pieces of ordnance mounted on their carriages, and a large quantity of small arms, military stores and camp equipage. The structure combines safety, strength, utility and neatness. A contract has been made for building another arsenal at Meadville. From the want of those materials which require time to prepare, and are essential, it cannot be completed before next summer. I am gratified at being able to state that I am advised that the state arsenal in Philadelphia and the ordnance, small arms and other state property in it, are in excellent order.

Building materials of the best quality for the contemplated state capitol, have been purchased out of the appropriation of fifty thousand dollars made for that purpose. The report of the finances of the state shewing on the 30th day of November last an unexpended balance in the treasury of \$276,664.18, presents means adequate to an immediate prosecution of this desirable and necessary work. Three plans for the capitol have been presented, and are herewith sub-

mitted for consideration. Gratifying as is the exposition of our finances, yet it must be borne in mind that the last legislature appropriated for various useful public improvements, about \$270,000, not much of which has yet been paid. An expectation however is entertained that a considerable portion of the remainder will be called for the ensuing spring and summer.

In conformity to the act directing the sale of the state house and state house square in the city of Philadelphia, a contract has been made for the sale thereof to the corporation of said city for certain purposes in the said act mentioned, for a sum of \$70,000, to be paid into the state treasury as the law directs. A copy of the contract and of the correspondence had on the subject is herewith laid before you.

An authentic copy of the act, entitled "An act for the relief of the hospital at New Orleans and of the Pennsylvania hospital," was by me transmitted to the Governor of Louisiana, who by his letter, under date of the 7th June last, has acknowledged its receipt. He has transmitted also extracts from the journal of the council of the administration of that hospital, expressive of the thanks of the council for the generous support afforded their institution, and of their high sense also of the truly benevolent and honorable motives which influence the councils of Pennsylvania; copies of all which documents I lay before you; likewise of the correspondence between the Governors of New Jersey and Pennsylvania, that was consequent to a protest by the last legislature against the passage and operation of certain acts of the legislature of that state, authorizing the erection of obstructions to the navigation of the river Delaware.

The various duties imposed upon the executive have been duly performed. The sword directed to be presented in the name of the commonwealth to captain

Stewart, will be ready for presentation in a few days. The medals directed by the legislature to be presented to commodore Perry and his brave associates for the splendid victory achieved on lake Erie, would have been presented long before this time, had not the various public services on which the commodore has been ordered, prevented him from furnishing as was wished and expected a profile for one side of the medal. This obstacle it is confidently believed will soon be obviated, and the object of the legislature attained so soon as the artist, pre-eminent for his talents and to whom alone this work could be confided, shall have completed for the United States prior engagements.

Having, in discharge of the obligations imposed by the constitution, given the general assembly information of the state of the commonwealth, and recommended such measures as in my judgment will promote the general good; it remains for me to add, that it will give me the purest pleasure to co-operate with you in the adoption of all measures calculated to secure and perpetuate the happiness, the rights and the privileges of our constituents.

SIMON SNYDER.

Harrisburg, December 5, 1816.

To the Assembly vetoing "A Supplement to an Act, entitled 'An act to incorporate the city of Pittsburg.' "

I HAVE READ THE BILL, ENTITLED "A Supplement to an act, entitled an act to incorporate the city of Pittsburg," presented for my approbation on the 28th ult. and upon mature consideration have directed the Secretary of the Commonwealth to return

it to the House of Representatives in which it originated; with the following objections:

First—The office of alderman is created by law; the officer is commissioned for the purpose defined in the charter of incorporation; his authority is circumscribed by the confines of the borough. It is a matter of great doubt, and merits the reconsideration of the legislature, whether constitutionally by a law of date subsequent to their commissions all the authority vested in justices of the peace, in civil and criminal matters, can be imparted to, and be exercised by such aldermen throughout the country beyond the limits of the jurisdiction which they can claim in virtue of their commissions.

Second—The expediency and necessity of extending as contemplated by the bill, the powers of the aldermen is very questionable. It is not sanctioned by the precedent of any similar provision in the act incorporating the city of Philadelphia, and the want of it has not been there felt.

Reluctantly as I do this act, it yet becomes the more imperiously a duty, because of the knowledge I have lately acquired, that one of the gentlemen, whom the law, incorporating the city of Pittsburg, (along with others so far forth as it can be done by a law,) translates into the office of alderman, constituting him a judge of a court of record with jurisdiction in criminal cases, similar to a court of quarter sessions, and who is now acting in these several capacities, was not at the time of passing that law, nor is he now legally a justice of the peace or alderman.

SIMON SNYDER.

Harrisburg, February 7, 1817.

To the Assembly with regard to the Navigation of the Susquehanna and the condition of the Militia Law.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses respectively in which they originated, viz:

* * * * *

I transmit also a letter from the Governor of the state of Maryland, covering a resolution by the legislature of that state, contemplating the improvement of the navigation of the river Susquehanna, and desiring the co-operation of this state in that desirable work.

In conformity to a provision contained in the 27th section of the militia law, I add a letter from Peter A. Browne, colonel commandant of the 81st regiment, covering certain proceedings had by officers of said regiment, relative to the system.

SIMON SNYDER.

Harrisburg, February 17, 1817.

In Council.

Annapolis, February 6th, 1817.

Sir—By the direction of the General Assembly of this state, I do myself the honor of transmitting to your excellency the enclosed resolutions, and have to request that you will communicate them to the legislature of the state over which you preside, accompanied by such remarks as you think best calculated to further the views of the legislature of Maryland.

I have the honor to be,

With great respect,

Your obedient servant,

[Signed] C. Ridgely, of Hampton.

His Excellency Governor Snyder.

By the Senate, January 30th, 1817.

Resolved, That William H. Winder, Thomas Ellicott,

Levi Hollingsworth, Robert Morgan, Abraham Jarrett, Joseph Coudon and Levi Bale, be, and they are hereby appointed commissioners to examine the river Susquehanna so far as they think necessary, and to consider and report to the next General Assembly upon the means in their opinion best calculated to improve navigation of that river.

Resolved, That should the state of Pennsylvania appoint commissions with like powers, the above named commissioners are authorized and directed to confer with such commissioners of the state of Pennsylvania, and if practicable to agree upon a joint report to be made to the legislature of each state.

Resolved, That the Governor be, and he is hereby requested to transmit a copy of the foregoing resolutions to the Governor of Pennsylvania, and to invite him, to take such steps as he may deem expedient to induce the state of Pennsylvania to concur in the objects of the above resolutions.

We hereby certify, that the foregoing is a true copy from the original passed by the Senate on the 31st of January, 1817, and by the House of Delegates on the 5th of February, 1817.

[Signed] Richard Harwood,
Clerk to the Senate.

[Signed] Louis Gassaway,
Clerk of the House of Delegates.

To his Excellency Simon Snyder, Governor of Pennsylvania, and commander in chief of the militia of the commonwealth.

Sir—I received a few days since the resignations of nearly all the platoon officers of the 81st regiment, 1st brigade, 1st division, P. M. which I have the honor to command, accompanied by the proceedings of a meeting and resolution, a copy of which is enclosed.

As the 37th section of the militia law expressly requires officers who shall receive commissions under its provisions to make a representation to you sir, of any defect or defects which they may from experience ascertain to exist in the act, I deemed it my duty to trouble you with this communication, and am,

With profound respect,

Your excellency's

Most obedient, humble servant,

[Signed] P. A. Browne, Col.

Philad'a, March 18, 1816.

At a meeting of the platoon officers of the 81st regiment, Penn. militia, held at the house of major M'Donnell, March 4th, 1816, Captain Joseph Lloyd was appointed chairman, and lieut. Alexander Henry, secretary; after which the following resolutions were passed, viz:

Resolved, That in the opinion of the officers now present, the existing militia law of Pennsylvania is inefficient, unjust, and lame in every part, that it is too lenient to the rich, oppressive to the poor, troublesome and expensive to the officers, and totally useless to the country.

Resolved, That we have continued to hold our commissions as officers of the militia, since the ratification of the late treaty of peace with Great Britain, only in hope that the legislature at their present session would so alter and amend the militia law, as to render it efficient and useful, and the officers under it respectable, and as the session is now almost at a close, and the question has been postponed indefinitely, we have no alternative left but to resign.

Resolved, That as the judicial branch of the government of this state, and of the United States, have assumed the power of releasing delinquent militia men from the payment of the fines imposed on them by

courts martial, for their non-performance of a tour of duty in the service of the United States when drafted according to law, it is in our opinion not only useless but iniquitous to have anything to do with the execution of a law, which may be thus made to produce the most palpable injustice, and which is thus trampled on with impunity by another branch of government.

And whereas, in pursuance of the drafts issued during the late war, a number of militia men performed their tour of duty or hired substitutes, and others have paid their fines for not marching, while a great number have refused to pay fines imposed on them for not performing their tour of duty, and the marshal has been deterred from collecting them by threats of judicial vengeance.

Resolved, That we have nothing more to do with the execution of the laws which are thus suffered by the government to be made the instruments of injustice and oppression, to the virtuous and patriotic part of the community, and to afford absolute impunity to the disaffected who refuse to do their duty.

Resolved, That we have the most unlimited confidence in the integrity, talents and courage of the field officers of this regiment, and should be proud to command under them were it not for the gross defects of the militia law, and the abominable injustice resulting from all attempts to carry it into execution.

Resolved, That the proceedings of this meeting be published in the newspapers.

[Signed,]

Joseph Lloyd, Chairman.

Attest,

A. Henry, Secretary.

To the Assembly Transmitting Certain Documents.

I HAVE THIS DAY APPROVED AND SIGNED the following acts of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses respectively in which they originated, viz.

* * * * *

A resolution adopted by the legislature of the state of Ohio, which has for its object the improvement of the navigation of the river Ohio, but requiring the co-operation of Pennsylvania, I do agreeably to desire lay before you, together with a copy of a letter from the Governor of that state, which covered the said resolution.

I add a memorial from Nathaniel Watson, major general commanding, and others, officers of the fourth division of militia, addressed to the executive, relating to suits of trespass instituted against some of the memorialists for acts by them done, in the discharge of duties made imperative by express law—being expressive also of a desire to know whether they can be protected in the exercise of such their duty. The subject matter whereof, coming more regularly under the notice of the legislature, is herewith submitted for consideration.

SIMON SNYDER.

Harrisburg, February 26, 1817.

Executive Office.

Columbus, February 7th, 1817.

Sir—I have the honor to transmit copies of resolutions passed by the General Assembly of Ohio, and to request that you will have the goodness to communicate them to the legislature, of the state over which you preside.

I shall be happy to receive and communicate to the

legislature of Ohio any communication your excellency may think proper to make on this interesting subject.

Very respectfully,

[Signed] T. Worthington.

His Excellency the Governor of Pennsylvania.

The joint committee to whom was referred the subject of improving the navigation of the Ohio river, have considered the same, and are fully persuaded that the time has arrived when the states bordering on this noble river are imperiously called upon by their interest, promptly to unite their exertions to remove the great obstacle to western commerce—and in the opinion of your committee, the population and fiscal abilities of the state warrant the measures; by reason of the impediments at the falls many severe losses have been sustained especially to shipbuilders, so that this valuable and important business has been nearly laid aside as respects the larger class of vessels. The necessity of unloading the steam boats and larger barges at times, in the descending course, and almost every vessel in the ascending navigation, calls loudly for immediate exertion, at a time when the surplus productions of our soil are so abundant and constantly increasing, and the enterprize of the citizens has already carried our product direct to Europe, hereby establishing that most important and valuable course of exchange.

Under these circumstances, to slumber any longer would betray a disregard to the best interests of the community, or a want of discernment to discover the advantages brought within our reach by a bountiful Providence.

Your committee recommend therefore the adoption of the following resolution, viz:

Resolved by the General Assembly of the state of Ohio, That the following propositions be made to the legislatures of the states of Pennsylvania, Virginia,

Kentucky and Indiana, viz: That each of the above states choose one commissioner who shall meet the commissioners of the several states at a time and place to be maturely agreed on, in order to proceed to the town of Pittsburg to examine the obstructions in the Ohio river, especially the rapids and falls thereof, and noting the several impediments and the probable expense that will attend their removal, and in an especial manner to survey the falls of the Ohio at Louisville, and examine on which side of said falls a canal and locks can be most conveniently made, or whether some other expedient may be resorted to, and to make an estimate of the expences which will attend the making such improvements, and as soon as they have completed the survey and estimates as aforesaid, they shall transmit a copy thereof to the executives of the several states who are parties to this compact, to be laid before their respective legislatures; and the governor of this state is hereby requested to continue the correspondence until the result of their deliberations shall be known, and communicate the same from time to time to the legislatures of this state.

Resolved, That if the states aforesaid shall agree to unite in the improvement of the navigation as aforesaid, then and in that case the faith of this state is hereby pledged to provide funds to cover its proportion of the expense of the undertaking.

Resolved, That the senators and representatives from this state in the congress of the United States, be requested to use their best endeavors in the event of the creation of a fund for internal improvements, to procure a portion thereof for the above purpose.

Resolved, That his excellency the governor be requested to forward a copy of these resolutions to the executive of each of the states aforesaid, with a request that the same be laid before their respective

legislatures, and one copy thereof to each of our senators and representatives in the congress of the United States.

The memorial of the subscribers, militia officers of the
Commonwealth of Pennsylvania,
To his Excellency SIMON SNYDER, Governor of the
Commonwealth of Pennsylvania, and commander in
chief of the militia of the said commonwealth.

Respectfully Sheweth:—

That at a late court of common pleas, held in and for the county of Lancaster, certain of your memorialists were under the necessity of attending at Lancaster at very great expense and inconvenience, for the purpose of defending themselves in a certain action of trespass brought against them as members of a court martial, convened in pursuance of a law of this state. That the members of the court martial and the brigade inspector have been obliged to attend several courts of common pleas since the suit was instituted against them, and at the last term they attended from day to day for the space of two weeks, and that the court of common pleas then rejected the testimony offered by them in justification, on the ground that the state of Pennsylvania had not in such cases any power to summons courts martial. That the members of the courts martial were under the painful necessity of hearing themselves styled robbers, or self created club, an illegal assembly, in consequence of having acted in conformity to the express provisions of a law of this state. That your petitioners are always desirous of observing and obeying the laws of their country, and are therefore anxious to know whether they can be protected in the exercise of their duty; for, unless this can be done, your excellency will perceive, however honorable may be the situation of your peti-

tioners, the duty they owe to themselves and families must prevent their continuing to hold their present commissions. And your petitioners as in duty bound will ever pray.

Nathaniel Watson, major general, 4th division, P. M.

Nathaniel W. Sample, jr. inspector 2d brig. 4th division, P. M.

John Hamilton, col. 35th regiment.

James Boyd, lieut. col. 35th regiment.

Francis Litle, captain, 7th com. 35th regiment.

Andrew Charles, captain, 4th com. 35th regiment.

Jeremiah Mosher, col. 69th regiment.

George Mayer, lieut. col. 69th regiment.

Levi Rogers, first major, 69th regiment.

G. B. Porter, inspector, 1st brig. 4th division, P. M.

Henry Shippen, Molton C. Rogers, Aids-de-camp of major general Nathaniel Watson.

John Dicks, brig. gen. 2d brig. 4th division, P. M.

Alexander Miller, 2d lieut. 3d com. 69th regiment.

Frederick Hambright, capt. Lan. Phalanx, 69th regiment.

Peter Forney, 1st lieut. Lan. Phalanx, 69th regiment.

William Hambright, 2d lieut. Lan. Phalanx, 69th regiment.

James Thomas, ensign, Lan. Phalanx, 69th regiment.

Michael Gundacker, captain, 1st com. 69th regiment.

John M'Clure, col. 101st regt. P. M.

John Clark, lieut. col. 101st regt. P. M.

To the Assembly transmitting certain Resolutions of the Maryland Legislature respecting Runaway Negroes.

I HAVE THIS DAY APPROVED AND SIGNED the following act of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses respectively in which they originated viz.

* * * * *

I have also directed to be laid before you, copies of a resolution adopted by the legislature of the state of Maryland, relative to runaway negroes; with copies of the Governor's letter accompanying the said resolution.

SIMON SNYDER.

Harrisburg, March 3, 1817.

Council Chamber,
Annapolis, February 6, 1817.

Sir—I have the honor of enclosing to your excellency certain resolutions respecting runaway negroes, passed by the legislature of Maryland, which I request you to lay before the General Assembly of the commonwealth of Pennsylvania.

I am with great respect,

Your excellency's obedient servant,

[Signed] C. Ridgely, of Hampton.

His Excellency Gov. Snyder.

By the House of Delegates.

February 1, 1817.

Whereas, the encouragement given to negroes running away from their owners in this state, and the harbouring the same by sundry citizens of the commonwealth of Pennsylvania and state of Delaware, has become a serious inconvenience to the owners of slaves: Therefore.

Be it resolved by the General Assembly of Maryland,

That the encouragement given to, and the harbouring and employing of runaway negroes from this state, by sundry citizens of the commonwealth of Pennsylvania and the state of Delaware, has encreased to such a degree, and the inconvenience arising therefrom to the good people of this state has become so great, as to make longer silence on this subject on the part of the General Assembly of Maryland improper.

Resolved, That the Governor be authorized and required to transmit a copy of the foregoing resolution to the executive of the commonwealth of Pennsylvania, and the executive of the state of Delaware, with a request that they will lay the same before their respective legislatures, in order that they interpose their authority and make such provision to prevent the evil thus complained of as their wisdom and justice shall dictate.

To the Assembly transmitting Documents relating to
Obstruction of the Delaware River.

I HAVE THIS DAY APPROVED AND SIGNED the following acts and resolution of the General Assembly, and directed the Secretary of the Commonwealth to return them to the houses respectively in which they originated, viz:

* * * * *

I have received a letter from the Governor of New Jersey, covering a law passed by the legislature of that state, proposing a mode for adjusting the existing difference between the states of New Jersey and Pennsylvania, relative to the obstructions in the river Delaware, authorized by the former, which law requiring the concurrence of Pennsylvania, is, agreeably to de-

sire, together with a copy of the Governor's letter, herewith laid before you.

SIMON SNYDER.

Harrisburg, March 10, 1817.

State of New Jersey.

Trenton, March 3, 1817.

Sir—I have the honor to transmit to you herewith enclosed, a certified copy of an act of the legislature of the state of New Jersey, passed at their late session, in order that it may be laid by your excellency before the legislature of the commonwealth of Pennsylvania, and I sincerely hope that the matters mentioned in the act, may be amicably and satisfactorily adjusted between the two states. I shall be happy to learn that the mode of settlement now proposed is acceded to on the part of Pennsylvania.

I have the honor to be,

With great consideration,

Your obedient servant,

[Signed] Isaac H. Williamson.

His Excellency the Governor of the state of Pennsylvania.

State of New Jersey.

An Act appointing commissioners for settling certain differences between this state and the commonwealth of Pennsylvania, and for other purposes therein mentioned.

Whereas, the legislature of the state of New Jersey, past an act on the 4th day of February, 1815, to enable Daniel W. Coxe, Samuel Wright, jun. and Peter I. Smith to erect a wing-dam in the river Delaware, and also a supplement thereto, on the 16th day of February, 1816. And whereas, the Senate and House of Representatives of the commonwealth of Pennsylvania,

have passed a resolution protesting against the passage and operation of the said acts of the legislature of this state. And whereas doubt may continue to exist how far the legislature of either of the said states, may without the concurrence of the other, authorize the erection of dams and other works in the river Delaware between the said states, for objects of public utility and benefit. In order therefore to promote mutual accommodation, harmony and good understanding between them forever, and to adjust all the matters of complaint, or which can be made the subject of complaint between the said states respecting the premises, and to prevent future misunderstanding from the exercise of their several and respective jurisdictions—

1. Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Lewis Condict, George Holcomb and John Beatty, or a majority of them, be commissioners with full power and authority in behalf of the state of New Jersey, to meet and make a final agreement in regard to the premises, with commissioners in behalf of the commonwealth of Pennsylvania, to be appointed by a law of that commonwealth with like full power (if to them it shall seem expedient) in such manner as finally to settle all the matters of complaint, or which can be made the cause of complaint between the commonwealth of Pennsylvania and the state of New Jersey, respecting the passage and operation of the said acts of the legislature of New Jersey, and also respecting all wing dams erected and placed in the said river with or without legislative permission, and to define with precision and certainty, the rights of the respective states to authorize the erection of dams and other works within the waters of said river for objects of public utility and benefit, and which shall not essentially injure or obstruct the navi-

gation; which agreement in writing signed and sealed by the said commissioners respectively, if made on or before the 2d Tuesday of January next, shall become binding on this state when confirmed by the respective legislatures of Pennsylvania and New Jersey.

2. And be it enacted, That the said commissioners do meet at such times and places as may be mutually agreed on between them.

3. And be it enacted, That the Governor of this state shall immediately transmit to the Governor of the commonwealth of Pennsylvania, a copy of this act, duly certified in order that he may lay the same before the legislature of that commonwealth at their present or next session, and that the Governor of this state have power to appoint a commissioner or commissioners for the purpose aforesaid, in behalf of the state of New Jersey, instead of any commissioner or commissioners named herein, who may die or decline to act as such.

To the Assembly vetoing "An Act to amend and continue an Act for establishing a Health Office, and to secure the City and Port of Philadelphia from the Introduction of pestilential and contagious Diseases, and the Supplement thereto."

I HAVE HAD PRESENTED TO ME A BILL, ENTITLED "An act to amend and continue an act for establishing a health office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and the supplement thereto"—but doubting the constitutionality of one of its provisions, I return it to the house of representatives where it originated, for the reason following:

The first section of the act establishing a health office, passed 17th March, 1816, which this bill along with a supplement thereto amends and continues, directs the governor to commission and appoint on or before the first day of May in each year, five persons who shall compose the board of health—the same section contains, amongst other provisions the following, viz: “and the said board shall have and hereby is vested with full power and authority, to make general rules, orders and regulations, for the government and management of the lazaretto, and vessels, cargoes and persons there detained, or under quarantine, and of the health-office, and public hospitals, and for the mode of visiting and examining vessels, persons, goods and houses, and shall also have power to appoint such other officers and servants as from time to time, shall be found necessary to perform the several duties required by this act and their future regulations, provided that such officer shall not hold any office of profit or trust under the United States, and to remove any of the officers or servants by them appointed, and to appoint others in their places, and to allow and pay the said officers and servants so appointed such compensation for their respective services, as the said board shall deem just and proper; and the governor is hereby authorized and required to appoint one physician who shall reside at the lazaretto, and be denominated the lazaretto physician, and one physician who shall reside in the city of Philadelphia, and shall be denominated the port physician, one health officer, and one quarantine master, all of whom shall be under the direction and controul of the board of health, and may be removed from office by the governor at the request of the majority of the members of the board of health.”

The bill under consideration directs, that the board of health shall consist of eleven members, that the authority to appoint them shall no longer be exercised

by the governor, but that, in future, six of the board shall be elected and appointed by the select and common councils of the city of Philadelphia; three by the commissioners of the township of the Northern Liberties, and the commissioners of Spring Garden, and two by the commissioners of the district of Southwark, and the commissioners of Moyamensing; and vests in the board so to be constituted all the authority conferred by the act of 1816, and by its supplement.

Admitting it a maxim in government, as sound as it is indisputable, that the agent cannot possess power superior to his principal, and as it cannot be contended, that either of the bodies corporate or local authorities named in the bill, can by ordinance or otherwise, directly or indirectly intermeddle with the police of any other of them or with the affairs of the county of Philadelphia, but that all exercise of authority by them is circumscribed by their respective corporate limits. Can it then be competent for any one of these local authorities separately, or all of them jointly, to create a magistracy denominated a board of health; vest it with authority to make certain rules and regulations for governing the police of the lazaretto, and the affairs of the health department generally to be executed and enforced, not only throughout the county of Philadelphia, but to be extended into, and enforced in the adjoining county of Delaware, by any and as many officers as they may deem necessary to appoint, where also by mandate they control the lazaretto physician and quarantine master (may peremptorily confine those officers to the lazaretto,) see the 10th section of the law of 1816 and in Philadelphia the port physician and health officer, all of whom, tho' appointed and commissioned by the governor for general state purposes he may be urged and desired to remove from office by the agents of that species of local authority, which was originally constituted for a very different purpose, and

who as well as the board of health by them thus created, the officers and servants of such board (no one individual of whom is officially known to him) and not under his control, and in every view wholly independent of the executive.

From an institution composed of such heterogeneous materials, its component parts so arranged, that the regular and necessary gradation of power is reversed. A hope can scarcely be cherished, that the recent happy results from a judicious management of the present system and faithful execution of duty by the officers, will be long continued to our metropolis and to Pennsylvania.

Severe bodily indisposition, being the real cause, will I trust, prove an apology, as well for the delay of this communication, as for its imperfections.

SIMON SNYDER.

Harrisburg, March 10, 1817.

Action of the Governor on the Proceedings of a Court Martial held at Greensburg, Westmoreland County, February 28 to April 2nd, 1814.

Harrisburg, May 13, 1814.

I HAVE READ AND EXAMINED THE FORE-going proceedings of a court martial held under general orders of 29th October, 1813, which commenced its setting at Greensburg in the county of Westmoreland, in the state of Pennsylvania, on the 28th of February, and continued by adjournment to the 2d day of April, 1814, and do approve all and every judgments pronounced against delinquents and deserters in the proceedings respectively named, from No. 1 to No. 462, inclusive, excepting the judgments against the following named persons, viz: John Piper

No. 25, Samuel Craig No. 134, Philip Klingilesmith No. 136, James Canann No. 168, James Moore No. 178, Henry Remaly No. 338, Michael Kline No. 392 and Walter Forward No. 407, which I do not approve.

SIMON SNYDER,

Governor of the commonwealth of Pennsylvania.

N. B. The above result was entered by the Governor in vol. 3, of the proceedings, page 291.

General Orders Directing Proceedings against Delinquent Militiamen.

General Orders.

Harrisburg, October 29, 1813.

Whilst it affords the commander in chief high gratification to say to those of the militia of Pennsylvania, who performed the service required in the field against a malignant foe, deserve well of their country; a respect for the military reputation of the militia, commands on the other hand a strict enforcement of the laws making penal a refusal to march, or punishing desertion. Under these impressions, I do order that you immediately direct the several brigade inspectors from whose brigades, as well volunteers as drafted militia were ordered for the service of the United States, agreeably to the several requisitions from those who administer that government under the several general orders by the commander in chief, dated respectively of May 12, 1812, August 25, 1812, September 5, 1812, March 20, 1813, and of April 5, 1813, that they severally and respectfully institute prosecutions against, as well those of the militia who were delinquent in not marching, as against those who after having marched deserted the service. And that the respective presiding offi-

cers of courts martial certify and report without delay the fines assessed, and on whom, to the marshal of the district of Pennsylvania. A reference by you to the laws of the United States prescribing the duty to be performed by those officers and by courts martial, may very much facilitate enquiry, and result in an early termination of this important service.

SIMON SNYDER.

N. B. Boileau, Aide-de-camp.

William Duncan,

Adjutant General of the militia of Pennsylvania.

A Proclamation of Reward for the Apprehension of John Craig charged with the murder of Edward Hunter in Delaware county.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by an inquisition taken and held on the twenty-second day of the present month in the Township of Newton, in the county of Delaware, by James Birchall, Esq'r, Coroner, and a Jury of the said County upon the view of the Body of Edward Hunter, Esq., late of the township and county, it appears that the said Edward Hunter was on the nineteenth instant wilfully and maliciously killed and murdered by a certain John Craig: And Whereas, the reputation of the Government, the peace and security of its Citizens, and the obligations of justice and humanity require

that the perpetrator of an offense so heinous should be brought to speedy and condign punishment. I have therefore thought it proper to issue this proclamation hereby offering a reward of two hundred dollars, to any person or persons who shall apprehend and secure within a jail of this Commonwealth the said John Craig, if brought to trial and conviction of the said offence: And all Judges, Justices, Sheriffs, Coroners, Constables and other officers within this Commonwealth, according to the duties of their respective stations, are hereby required and enjoined to be attentive and diligent in enquiring after and bringing to justice the perpetrator of the crime aforesaid.*

Given under my hand and the Great Seal of the State at Harrisburg, this thirty-first day of July in the year of our Lord one thousand eight hundred and seventeen, and of the Commonwealth the forty-second.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation for a Day of Thanksgiving—1817.

Pennsylvania, ss:

[Signed] Simon Snyder. . .



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Although the wise and holy governor of the universe has in his righteous providence afflicted divers sections

*Warrant drawn for the sum of 200 dollars in favor of Samuel Bettenberger, who from authentic documents produced to the Governor, appeared to be entitled to receive the reward.—October 15th, 1818.

of the United States with wasting sickness, yet have we the greatest reason to adore and praise the supreme disposer of events, who, dealing infinitely better with us than we deserve, has averted from our State the hand of the destroying angel, and blessed our land with the fruits of the earth in the greatest abundance.

Happy in complying with a desire expressed in a resolution adopted by the Rev'd Presbyterian Synod of Pennsylvania, I do recommend to my fellow citizens of this Commonwealth that on the third Thursday in the present month of November, they meet for religious worship, and to offer up their unfeigned thanks and acknowledgments to Almighty God, the source and benevolent bestower of this great good, and for the many other blessings, both spiritual and temporal, which we enjoy; that he will extend, bless and perpetuate them to the latest posterity. That he would also graciously foster and promote the endeavours now making to spread the knowledge of the redeemer throughout the world, pour out his spirit upon all orders of men, bring us to a hearty repentance and reformation, purify and sanctify all his churches, make ours Emanuel's land and fill the world with his glory.

Given under my hand and the Great Seal of the State, at Harrisburg, this first day of November in the year of our Lord one thousand eight hundred and seventeen, and of the Commonwealth the forty-second.

By the Governor.

N. B. Boileau, Sec'y.

Proclamation of the Election of John Murray, Representative of Pennsylvania in the United States Congress.

Pennsylvania, ss:

[Signed] Simon Snyder.



IN THE NAME AND BY THE AUTHORITY of the Commonwealth of Pennsylvania. By SIMON SNYDER, Governor of the said Commonwealth.

A PROCLAMATION.

Whereas, by a return duly made by the Judges of a special election held in the tenth Congressional district, composed of the Counties of Northumberland, Union, Columbia, Luzerne, Bradford, Susquehanna, Lycoming, Tioga and Potter, in this Commonwealth, on Tuesday the fourteenth day of October last, in pursuance of writs issued by me on the twenty-fifth day of August last, under the authority of the Acts of the General Assembly passed the eighteenth day of February, one thousand eight hundred and five; and the tenth day of March, one thousand eight hundred and seventeen, it appears that John Murray, Esquire, was duly elected to serve as a representative of this State in the House of Representatives of the United States, to supply the vacancy occasioned by David Scott's acceptance of the office of President and Judge of the Courts of Common Pleas, within the twelfth judicial district of this Commonwealth. And Whereas, in and by one other Act of the General Assembly, passed the twentieth day of March, in the year one thousand eight hundred and twelve, it is provided "that the Governor, having received the returns of such elections, shall declare by proclamation the name or names of the person or persons to him returned as duly elected in each

respective district:" Now, therefore, I have issued this proclamation, hereby publishing and declaring that the said John Murray is duly elected and chosen a representative of this State in the House of Representatives of the United States, during the remainder of the time for which the said David Scott was elected to serve.

Given under my hand and the Great Seal of the State at Harrisburg, this first day of November, in the year of our Lord one thousand eight hundred and seventeen, and of the Commonwealth the forty-second.

By the Governor.

James Trimble, Deputy Sec'y.

Annual Message to the Assembly—1817.

Fellow Citizens:

AT THIS AUSPICIOUS MOMENT, WHEN OUR country has reached the goal of her wishes and obtained the object for which she has twice contended and so nobly struggled; with a national government possessing all the powers adequate to the purposes of general sovereignty, and competent to the energy absolutely necessary to the management and direction of the general weal; supporting the confederate union, and the national faith and honor with foreign governments; securing domestic tranquility and paying the strictest attention to the sacred rules of justice and equity by a faithful observance of all public engagements; to know that the foundation of our national policy is laid in the pure and immutable principles of private morality; when with proud recollection we can view the eminent height we have attained from the operation of our laws and institutions; to know my native state to be attached to a government

which practically has exemplified those invaluable attributes which secure to it our constancy and devotion and commands the respect of the world; and to know Pennsylvania to be eminently distinguished for her public and private virtues;—I say, at this auspicious moment, with this knowledge, and the rational pleasing anticipations of future lasting happiness for our beloved country, to retire from the arduous duties of office, is to me the highest gratification; and with sincere and lively gratitude to Almighty God, our great protector, and with most hearty congratulations, I felicitate you, gentlemen, and our constituents, on our present happiness and glorious prospects.

But as we know that all governments have degenerated, and that abuse of power is ever consequent to degeneracy; therefore, whilst we happily know that reason, rather than habit, is the governing principle with our citizens, and whilst we yet have fair claims to guard against all violent political concussions and those revolutions that arise from necessity, which when real, supercede all law and level all distinctions: let us in the discharge of official and private duty, ever recollect that more is not possessed than a right to perform lawful actions; that we cannot be vested with authority to command what is contrary to the cardinal virtue, justice; nor with the right to proscribe our fellow citizens, for an honest diversity of opinion on questions of policy. Thus, if founded on that decree of Heaven which willed man free, and in those immutable rights deducible from it, our laws will ever foster the inclination which the Pennsylvanian naturally feels to be obedient; and, clothed with the venerable habit of ancestral sanction, they will descend to and command the love and veneration of the latest posterity.

Regarding the impartial administration of justice and primary importance, the legislature has recently in various laws been attempting to secure it from every

danger. The extension of peremptory challenges on the trial of causes civil and criminal, the permanent provision for the decision of those causes in which the president of a court may have been of counsel, or may be personally interested, have been found of beneficial tendency. Extending the right of challenge yet farther, and enacting that where counties are interested, the cause may, under proper regulations, be tried in a contiguous county, would afford additional security, and keep pure the streams of justice; and, perhaps, thus might be obviated the temptation to fraud and perjuries, sometimes practised to give jurisdiction to the federal courts, and forcing our citizens, at intolerable expense, from the most remote quarters of the state to those tribunals.

The knowledge of truth being essential to just decisions, greater facility and certainty than is now had, would appear necessary in the adduction of testimony. Doubts are entertained whether there be any legal mode of obtaining depositions by commission or rules of court, in cases which arose in the county courts and are pending in the supreme court of error, although it may be all-important in preparing for the contingency of a new trial. This might be remedied by enacting that rules or commissions might issue, and that the testimony thus procured shall be as admissible upon any subsequent trial, as if the cause were pending for trial where the rule or commission issued.

Whether attachments to compel the attendance of witnesses may run to any part of the state—whether a tender of expenses should be proved before they issue—whether depositions should not be taken in criminal as well as civil cases, might also be proper questions for statutory regulation.

Considering the usage of non-suits at bar as affording an unfair advantage to plaintiffs, it was restricted by an act of the legislature. The exposition however

of this law by our courts does not prohibit the plaintiff from taking a non-suit after a full trial, unless the jury have deliberated, or received the charge of the courts; thus the plaintiff, when fairly defeated, may retire in safety and renew the attack at pleasure, while the defendant is disabled from avoiding the destructive effect of a verdict. This inequality works injustice, and requires further interposition.

More than twenty-five years have elapsed since the adoption of any general system of practice of our courts. So great have since been the changes in our laws, and so important have been the judicial decisions, that it is wonderful, a subject so operative in the speedy administration of justice has obtained no consideration. To obtain uniformity, I would recommend statutory provisions.

Amongst the vices that in a great measure go unpunished in Pennsylvania, is the conveying away by deed, estates with fraudulent views, and the acquisition of property without any intention of paying therefor. To guard against the frequency of the first, I would suggest the authorizing of our courts of justice, where circumstances are sufficiently strong to raise a probable presumption of fraud, to throw the burden of proof of consideration for the estate granted, upon the grantee. And as to the latter description of immoralities, I cannot, on moral principles, distinguish between him who with fair appearances has got into credit on purpose to rob, and him who borrows my horse for a day with the intention never to return him, and who if detected after the fraud is punished as a felon.

Anxious to see perfected in Pennsylvania what has for a century engaged the attention of the philanthropists of the old world, I would once more invite your attention to the subject of criminal jurisprudence generally. The report of the Attorney General made

some years since at the instance of the government, and recent essays by members of the General Assembly eminently qualified for the task, will, I trust, so far have matured that interesting subject, as that, from your hands, our constituents may confidently anticipate a system more perfectly guarding against outrage the person and property of the good citizen; graduating the scale of crimes and punishments by the rules of right reason, when at the same time it shall secure to the accused a speedy impartial trial, and be altogether congenial with the benevolent spirit of the age.

In the annual communications of the executive to the General Assembly, a standing theme has been afforded by the all-important subject of education. Much has been said, nothing effectual has been done, and the situation of it is still such as to be much regretted. To expatiate upon the utility of a general diffusion of knowledge, would be as idle as the means of effecting it appear to be embarrassing. The fact however is palpable, that science and intellectual improvement are far behind the progress of wealth and population. Another year has confirmed me in the opinion expressed to the last Legislature, that much good could be attained through superior instructors. Believing that these may be acquired in a very simple manner, I presume again to recommend that some mode be prescribed by law for ascertaining the qualifications of those who offer to instruct youth. That such as are approved, and who at the expiration of the period for which they may have engaged to teach, produce a favorable report of the conduct and progress of the school, by a committee to be for that purpose appointed in each county, shall receive out of the state treasury a small salary in addition to individual subscription. This, I hesitate not to say, would be the means of banishing ignorance and negligence from presiding over the education of children, and prevent that

deplorably useless consumption of time, that exhibition of idleness and demoralizing habits, so commonly prevalent at our country schools.

In the same communication I submitted also a plan for rendering more energetic and efficient our militia force. Impressed with the great importance of this subject, yet, having nothing new to offer, I beg leave to refer the legislature to that communication; likewise to a reiteration of a wish that seduction be punished as a criminal offence. That regulations be made corrective of abuses under our insolvent laws, and under the law relative to mortgages; amendments of the law, generally called the hundred dollar act; an interposition on behalf of the unfortunate and unprotected wife and children of the confirmed drunkard; and the useless multiplication of oaths and the irreverence with which they are administered—these subjects, because of the multiplicity of (perhaps) more important business, were then passed over; but deeming them of some importance to the community, I recommend them to your consideration.

The accompanying documents upon the subject will show that the thanks of the commonwealth to captain Charles Stewart of the navy, for his distinguished bravery and skill in the engagement between the United State frigate *Constitution* and the British ships of war *Cyane* and *Levant*, were presented to that gallant officer by general William Duncan, as directed by a resolution of the last legislature, together with an appropriate sword, ordered by the same resolution as an additional token of approbation, by his fellow citizens of Pennsylvania.

The obstacles to a presentation of medals to commodore Perry and his brave associates, mentioned in my first communication to the last legislature, have been obviated. The dies have been sunk by an approved artist, and the medals would before this time have

been presented, if the striking of them had not been prevented in consequence of the imperfection of the machinery in the United States mint, which alone was of power adequate to the execution of them. But I have assurance that this obstacle will in a short time be also surmounted.

The legislature of Louisiana, duly appreciating the liberal donation of our last General Assembly towards the endowment of an hospital erecting at New Orleans, have passed a law containing the provisions prescribed in the act of this state; a copy whereof and of other documents, together with a plan of the building, and copies of a correspondence on the subject, is herewith laid before you.

A considerable number of muskets and a large quantity of camp equipments and some ordnance, have been collected and are now safely deposited in the arsenal at this place, as directed by law. A small appropriation may be necessary to furnish the requisite tools and furniture for the work shops, to enable the armorer to put and keep in repair such of the arms as were injured during the late war. The adjutant general will in due time report generally upon the state of our militia, and upon the military property belonging to the state. I add as well an extract of a letter to the executive from Wm. Clark, the contractor for erecting the arsenal at Meadville, giving an account of the progress of that building, and asking an additional appropriation, as an extract of a letter from the principal of the ordnance department, proposing to deliver, if the state should prefer it, artillery and equipments, in lieu of a part of the small arms to which we are entitled, under the act of congress for arming the whole militia of the United States.

Under a law of the last legislature, Robert Brook and Charles Treziyulney, gentlemen of science and acknowledged practical skill, were appointed on the twenty-

eighth day of May last to view and examine the route of the contemplated canal to connect the waters of the Seneca lake with the Tioga river. These commissioners proceeded to execute the trust, but not having returned, more cannot be said upon this interesting subject, than that their report as soon as received shall be laid before the legislature. A correspondence with the governor of New York, is now submitted.

Nothing has yet resulted for submission to the legislature, from the commission constituted by law in conjunction with the state of New Jersey, for adjusting the controversy that has arisen between that state and Pennsylvania, in consequence of obstructions to the navigation in the Delaware, said to have been created under a law of New Jersey.

From applications made to the Land Office for patents, it has been discovered, that the late John Nicholson, deceased, is interested in large bodies of lands which remained concealed from the commissioners, who procured for the state by compromise and sale of such part of his estate as became known to them, payment on account of her lien upon his estate. That commission having ceased, and the accounts of the commissioners being closed, there is not vested in any one, authority to benefit the state by the discovery. In order to secure payment of a large debt yet due the commonwealth, I recommend the enactment of a law on similar principles with the one under which the late commissioners acted.

The accompanying financial report by the Auditor General, notwithstanding the laudable appropriation and liberal expenditure of public treasure in aid of roads, bridges and other public improvements, presents an unexpended balance in the treasury on the first day of November last of \$160,199.09. A small sum is found to have been expended in providing more materials for the intended State Capitol. Possessing ample means,

the adoption of a plan for the building seems to be the only obstacle to an immediate prosecution of this highly desirable and necessary work. This unexpected balance and the anticipated increase of funds, will allow free scope for the enlarged views entertained by our constituents for the improvement of the state.

Having discharged as well the constitutional injunction as those duties assigned by law, and recommended what in my judgment would promote the public weal, it remains for me to add, that it has even given me the purest pleasure to co-operate with the General Assembly in such measures as were calculated to perpetuate the happiness of our constituents; that in the discharge of executive functions, I was ever solicitous to collect my duty from a just appreciation of every circumstance by which it might be affected. I heard with attention, and endeavored to decide with integrity. I had a wish, it is true, to regard the public voice, and I confess myself to have been ambitious to conciliate and enjoy the public confidence. But I could never abandon the superior claims of self approbation and conscious rectitude. Satisfied on these points, (and ever aware that in the performance of executive duties by a merely practical man, it is difficult if not impossible to avoid error) I have ever acted without in the least regarding what the world might say about it; and those who know me best can bear witness, that I have borne with patience the consequences which to me, have casually resulted from them. For the errors I may have committed, I am consoled with the reflection that perhaps no important good was ever altogether free from alloy, and that my fellow-citizens will, I trust, charitably find a palliation in the motive which at any time may have mislead me.

The confidence and support which I have experienced from my fellow citizens, for the greater portion of an active life, has impressed my mind with deep and last-

ing gratitude. A consciousness of having with diligence and fidelity endeavoured to discharge the duties which a partial public has on various occasions assigned me, and of the liberality which has been evinced towards me by a succession of the legislatures during an arduous administration, heightens the satisfaction I have in surrendering it to an able successor. And whilst I bid you, and my fellow-citizens generally, an affectionate farewell, I implore for my country the blessings of an all wise superintending Providence.

SIMON SNYDER.

Harrisburg, December 5, 1817.

To Captain Charles Stewart transmitting a Vote of Thanks by the Legislature of Pennsylvania for his distinguished Services during the late War, with a Sword given in the name of the People of Pennsylvania.

Harrisburg, 2d August, 1817.

To Captain Charles Stewart:

Sir—

I HAVE THE HONOR TO PRESENT TO YOU (AS you will perceive by the enclosed legislative resolve) the grateful thanks voted by the representatives of your fellow citizens, for your brave conduct in the capture, during the late war, with an inferior force under your command, of the British ships of war *Cyane* and *Levant*. As still more expressive of patriotic feeling, I present also as directed, in the name of the people of Pennsylvania, through my aid general William Duncan, a sword, which you are asked to accept, in token of their full approbation; and I add, as commemorative likewise of that bravery, gallantry and

skill, which has humbled an haughty and heretofore unconquered foe.

I shall feel myself honored, if along with the general applause of our fellow citizens, you will accept assurances of high consideration, from

SIMON SNYDER.

To the Governor of New York, transmitting an Act of the Legislature of Pennsylvania for connecting the waters of Seneca Lake and Tioga River.

Harrisburg, September 3d, 1817.

Sir:

FOR OBVIOUS REASONS, I TAKE THE LIBerty to transmit to your excellency a copy of an act passed by the legislature of Pennsylvania, at their last session, under the authority of which I have appointed Robert Brooke and Charles Trizeyulny, Esquires, the former of Philadelphia, the latter of Centre county, commissioners. Those gentlemen have fixed on the twenty-ninth of the present month to meet at the head of the Seneca Lake, for the purpose of performing the duties contemplated by the law.

I anticipate no objection to a co-operation on the part of this state to carry into effect some portion of the vast internal improvements contemplated by the enterprising and liberal legislature of the state over which you preside. Should however any present themselves to your mind, or your excellency should have any suggestions to make on the subject, I shall feel gratified by any early answer to this letter.

I have the honor to be,

With high consideration and respect,

Your obedient servant,

SIMON SNYDER.

His Excellency Dewitt Clinton, Esq., Governor of the State of New York.

Albany, 20th September, 1817.

Sir—My absence from this place has prevented an earlier reply to your excellency's communication of the 3d instant.

The measures adopted by Pennsylvania to connect the waters of the Seneca Lake and Tioga river, exhibits an intelligent, enterprising and patriotic spirit; and the benefits which will arise from the execution of the plan, will be experienced in the creation of an extensive inland trade, and in the consequent encouragement of agriculture, commerce and manufactures. The obvious tendency of this measure is to facilitate the transportation of commodities from this to neighboring states. From a full persuasion that the prosperity of our country will be best advanced by multiplying the markets for our productions, and by an intimate and beneficial connexion between the different members of the confederacy, I consider it a sacred duty to overlook local considerations, and to promote to the utmost of my power, this and every other plan which may be subservient to these important objects. And I cherish with confidence the opinion, that the state over which you preside will, under the influence of an enlightened public spirit, co-operate with this state in promoting our contemplated navigable communications between the northern and western lakes and the Atlantic ocean.

Under this impression, I now transmit to your excellency the official report of the canal commissioners, and the acts of the legislature of this state on this subject.

I have the honor to be,

Very respectfully,

Your most obedient servant,

[Signed] DeWitt Clinton.

Governor Snyder.

To the Assembly Transmitting Certain Documents.

I LAY BEFORE YOU A LETTER FROM THE GOVERNOR of Kentucky, covering a resolution adopted by the legislature of that state, proposing an amendment to the constitution of the United States.

Also a letter from the Governor of New Jersey, covering a proposition for amending the same instrument.

A communication from the executive department of the state of Delaware, relative to the interchange of laws, is also added. To reciprocate the transmission to us, of the laws of our sister states, it will be necessary to alter the present provision for distributing the Acts of the General Assembly.

I add a letter from William A. Mercein, of the city of New York, publisher of a system of military tactics and discipline, recognized as he states, as the national one for governing the infantry of the United States, soliciting the patronage of the legislature of Pennsylvania.

SIMON SNYDER.

Harrisburg, December 15, 1817.

State of Kentucky.

Frankfort, August 23, 1817.

Sir—I herewith transmit to your excellency the copy of a resolution passed by the legislature of this state at their last session.

I have the honor to be,

Very respectfully,

Your excellency's most obedient,

[Signed] Gabl. Slaughter.

His Excellency the Governor of Pennsylvania.

Resolution proposing an article of amendment to the constitution of the United States.

Resolved by the General Assembly of the commonwealth of Kentucky, That the following amendment

be proposed to the constitution of the United States, to wit. "That no law varying the compensation of the members of the congress of the United States, shall take effect until the time for which the members of the House of Representatives of that congress by which the law was passed, shall have expired:

Resolved, That our senators in congress be instructed, and our representatives requested to use their exertions to procure the passage of the foregoing amendment.

Resolved, That his excellency the lieutenant governor of this commonwealth, be requested to transmit copies of the foregoing resolutions to each of our senators and representatives in congress, and that he also transmit to the executives of the several states like copies, with a request to lay the same before the legislatures thereof, soliciting their exertions and co-operation in procuring the aforesaid amendment to be adopted, and made part of the constitution of the United States.

State of Delaware.

Executive Department, Dover, 20th Oct. 1817.

Sir—By an act of the General Assembly of this state, entitled "An act for the interchange of laws," the Governor is "empowered and required to transmit to the Executive of each state of the United States, three copies of the laws that have heretofore been enacted, and also three copies of all laws that shall be hereafter enacted annually, and request a like interchange from them." In obedience to this law and by the direction of the Governor, I lately transmitted to your excellency three copies of all the laws of Delaware to the last session of the legislature inclusive. Three copies of those that shall hereafter be enacted will be regularly transmitted. I solicit the attention of your excellency to the last number of the section above quoted, and re-

quest a like interchange of all the laws of the state over which you preside.

The laws that I have sent on, are safely packed in a box addressed to your excellency to the care of the collector of the port of Philadelphia, who promised to forward them from that city.

I have the honor to be, sir,

Your obedient servant,

[Signed] H. M. Ridgely,

Secretary of State.

His Excellency the Governor of the state of Pennnsylvania, Harrisburg.

New Jersey.

Trenton, June 5, 1817.

Sir—I have the honor to transmit to you certain resolutions adopted by the legislature of the state of New Jersey at their last session, and to request that the same may be laid before the legislature of the state over which you preside, for their consideration and adoption.

I have the honor to be,

With high consideration,

Your obedient servant,

[Signed] Isaac H. Williamson.

The Governor of Pennsylvania.

State of New Jersey.

House of Assembly, Feb. 13, 1817.

Resolved, That for the purpose of choosing representatives in the congress of the United States, each state shall by its legislature be divided into a number of districts equal to the number of representatives to which such state may be entitled. The districts shall be formed of contiguous territory, and contain as nearly as may be an equal number of inhabitants en-

titled by the constitution to be represented. In each district the qualified voters shall elect one representative and no more. That for the purpose of appointing electors for the president and vice president of the United States, in each district entitled to elect a representative in the congress of the United States, the persons qualified to vote for representatives, shall appoint one elector and no more. The additional two electors to which each state is entitled, shall be appointed in such manner as the legislature thereof may direct. The electors when convened, shall have power in case any of them appointed as above prescribed shall fail to attend, for the purposes of their said appointment, on the day prescribed for giving their votes for president and vice president of the United States, to appoint another or others to act in the place of him or them so failing to attend. Neither the districts for choosing representatives, nor those for appointing electors shall be altered in any state until a census and apportionment of representatives under it, subsequent to the division of the states into districts shall be made. The division of states into districts hereby provided for, shall take place immediately after this amendment shall be adopted, and ratified as a part of the constitution of the United States; and successively immediately afterwards whenever a census and apportionment of representatives under it shall be made. The division of each state into districts for the purposes both of choosing representatives and of appointing electors, shall be altered agreeably to the provisions of this amendment, and on no other occasion.

Resolved, That our senators in the congress of the United States be instructed, and our representatives requested to endeavour to obtain the said amendment to the constitution of the United States.

Resolved, That his excellency the governor of this state, be requested to forward a copy of the preceding

resolution to each of our senators and representatives in the congress of the United States, and also to the governors of the several states, with a request that the same may be laid before their respective legislatures for their consideration and adoption.

Sir—I take the liberty of transmitting to your excellency “Rules and Regulations for the Field Exercise and Manœuvres of Infantry,” adopted by the war department. As the system of military tactics and discipline displayed and illustrated in this book is recognized as the national one and must govern the Infantry of the United States and the militia called into their service, it is of primary importance, that it should be extensively diffused and generally understood. Under this impression I have thought proper to apply to the respective state governments for their patronage—Connecticut has taken 2,500 copies. South Carolina 2,000 and I entertain no doubt of its receiving the favourable notice of the legislature of this state, the commander in chief, the general staff, and other high military authorities having already expressed their decided approbation of its utility, and of the expediency of its circulation.

The price of the book of rules and the accompanying book of plates, if a number be taken, will be two dollars.

I respectfully solicit your excellency’s favourable interposition on this occasion, and shall feel gratified with a reply as early as your important avocations will permit.

I am sir,

Your excellency’s

most obedient servant,

[Signed] William A. Mercein.

No. 93 Gold street, New York, Nov. 1817.

To his Excellency, the Governor of Pennsylvania.



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